



Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017

Patsy Reddy, Governor-General

Order in Council

At Wellington this 31st day of July 2017

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 43 and 43A of the Resource Management Act 1991—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for the Environment given in accordance with section 44 of that Act.

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Regulations

- 1 Title**
These regulations are the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.
- 2 Commencement**
These regulations come into force on 1 May 2018.

Part 1 Preliminary provisions

- 3 Interpretation**
- (1) In these regulations, unless the context otherwise requires,—
- abutment** means a construction that supports the end of a bridge
- Act** means the Resource Management Act 1991
- AEP** means the annual exceedance probability, which is the chance of a flood of a given size (or larger) occurring in any one year, usually expressed as a percentage
- afforestation**—

- (a) means planting and growing plantation forestry trees on land where there is no plantation forestry and where plantation forestry harvesting has not occurred within the last 5 years; but
- (b) does not include vegetation clearance from the land before planting

apron means a hard (generally concrete) surface layer constructed at the entrance or outlet of a river crossing structure

bankfull channel width means the distance across a river channel formed by the dominant channel-forming flow with a recurrence interval seldom outside a 1 to 2-year range (measured at a right angle to the channel flow)

batters means constructed slopes of uniform gradient

battery culvert means a river crossing structure made by using multiple culverts that allows the free flow of water in low flow conditions and high flows and debris to flow over the top of the entire structure

bed invert gradient means the slope measured in metres of rise or fall per metre of horizontal distance of a river channel

butt suspension means suspending the sawn base of the tree being harvested above the ground or surface of a water body while pulling it to a landing

compaction means applying pressure or vibration to soil or aggregate to strengthen it

conifer species means exotic trees that bear cones and needle-like or scale-like leaves

culvert means—

- (a) a pipe or box structure that conveys a stormwater flow under a forestry road or forestry track; or
- (b) the entire structure used to channel a water body under a forestry road or forestry track

cuts includes side cuts and batters

discing means breaking up or tilling the soil surface with a series of large saucer-shaped steel blades joined at the centre of an axle

drift deck means a river crossing structure composed of a series of inverted U-shaped precast concrete elements that is designed to pass low flows through the structure and allow high flows and debris to flow over the top of the entire structure

dwelling has the same meaning as that given for dwellinghouse in section 2(1) of the Act

earthflow terrain means land classified in the electronic tool referred to in item 1 of Schedule 2 (<http://www.mpi.govt.nz/growing-and-producing/forestry/overview/national-environmental-standards-for-plantation-forestry/erosion-susceptibility-classification/>), and having the dominant erosion process of earthflows and the terrain grouping as follows:

- (a) hill country developed on crushed argillite or on tertiary-aged mudstone or sandstone, with moderate earthflow-dominated erosion; or
- (b) hill country developed on crushed argillite, mudstone, or greywacke, with severe earthflow-dominated erosion

earthworks—

- (a) means disturbance of the surface of the land by the movement, deposition, or removal of earth (or any other matter constituting the land, such as soil, clay, sand, or rock) in relation to plantation forestry; and
- (b) includes the construction of forestry roads, forestry tracks, landings and river crossing approaches, cut and fill operations, maintenance and upgrade of existing earthworks, and forestry road widening and realignment; but
- (c) does not include soil disturbance by machinery passes, forestry quarrying, or mechanical land preparation

end-haul means to remove excavated material to a disposal area

erosion susceptibility classification means the system that determines the risk of erosion on land across New Zealand based on environmental characteristics, including rock type and slope, and that—

- (a) classifies land into the following 4 categories of erosion susceptibility according to level of risk: low (green), moderate (yellow), high (orange), and very high (red); and
- (b) is provided in the electronic tool referred to in item 1 of Schedule 2 (<http://www.mpi.govt.nz/growing-and-producing/forestry/overview/national-environmental-standards-for-plantation-forestry/erosion-susceptibility-classification/>)

fill means soil or aggregate, placed to raise the land surface, normally under a strict compaction regime

fish spawning means the bearing of live spawn or the deposit of eggs by fish

ford means a hard surface on the bed of a river (that is permanently or frequently overtopped by water) that allows the crossing of a river by machinery or vehicles

forest species means a tree species capable of reaching at least 5 m in height at maturity where it is located

forestry infrastructure means structures and facilities that are required for the operation of the forest, including forestry roads, forestry tracks, river crossings, landings, fire breaks, stormwater and sediment control structures, and water run-off controls

forestry quarrying—

- (a) means the extraction of rock, sand, or gravel for the formation of forestry roads and construction of other plantation forestry infrastructure, in-

cluding landings, river crossing approaches, abutments, and forestry tracks,—

- (i) within a plantation forest; or
 - (ii) required for the operation of a plantation forest on adjacent land owned or managed by the owner of the plantation forest; and
- (b) includes the extraction of alluvial gravels outside the bed of a river, extraction of minerals from borrow pits, and the processing and stockpiling of material at the forest quarry site; but
- (c) does not include earthworks, mechanical land preparation, or gravel extraction from the bed of a river, lake, or other water body

forestry road—

- (a) means a road that has the width, grade, strength, and pavement surface that allows a fully laden logging truck to safely traverse it and has all-weather access; but
- (b) does not include a road managed by a local authority, the Department of Conservation, or the New Zealand Transport Agency

forestry track—

- (a) means a track that allows the passage of forestry machinery or vehicles, but does not provide the width, grade, strength, or pavement surface to allow a fully laden logging truck to safely traverse it or lacks all-weather access; but
- (b) does not include a track managed by a local authority, the Department of Conservation, or the New Zealand Transport Agency

fuel includes, but is not limited to, oil, hydraulic fluids, petrol, and diesel

green zone means the land mapped and classified with an erosion susceptibility rating of low in the electronic tool referred to in item 1 of Schedule 2 (<http://www.mpi.govt.nz/growing-and-producing/forestry/overview/national-environmental-standards-for-plantation-forestry/erosion-susceptibility-classification/>)

harvesting—

- (a) means felling trees, extracting trees, thinning tree stems and extraction for sale or use (production thinning), processing trees into logs, or loading logs onto trucks for delivery to processing plants; but
- (b) does not include—
- (i) milling activities or processing of timber; or
 - (ii) clearance of vegetation that is not plantation forest trees

heading up means a hydraulic head of water above the culvert inlet at times when the culvert's nominal capacity is exceeded

indigenous vegetation means vegetation that is predominantly vegetation that occurs naturally in New Zealand or that arrived in New Zealand without human assistance

infrastructure has the same meaning as in section 2(1) of the Act, and includes flow recorder sites

Land Use Capability Class 8e means land defined as Land Use Capability Class 8e in the electronic tool referred to in item 1 of Schedule 2 (<http://www.mpi.govt.nz/growing-and-producing/forestry/overview/national-environmental-standards-for-plantation-forestry/erosion-susceptibility-classification/>) as having severe to extreme erosion limitations or hazards that make the land unsuitable for arable, pastoral, or commercial forestry use

landing means an area of land where logs or tree lengths extracted from a plantation forest are accumulated, processed, and loaded for removal

maintenance and upgrade of existing earthworks—

- (a) includes—
 - (i) activities to upgrade existing forestry infrastructure or minor re-shaping of existing forestry infrastructure; and
 - (ii) the installation and maintenance of water run-off control measures; and
 - (iii) road metalling; but
- (b) does not include forestry road widening or realignment

mechanical land preparation—

- (a) means using machinery to prepare land for replanting trees, including root-raking, discing, ripping, roller crushing, clearing slash, and mounding the soil into raised areas; but
- (b) does not include—
 - (i) the creation of alternating drains and planting mounds using a V-shaped blade attached to the front of a bulldozer; or
 - (ii) earthworks or forestry quarrying

National Policy Statement for Freshwater Management includes the *National Policy Statement for Freshwater Management 2011*, the *National Policy Statement for Freshwater Management 2014*, and any current edition of the *National Policy Statement for Freshwater Management* that has legal effect when the edition is being used

orange zone means the land mapped and classified with an erosion susceptibility rating of high in the electronic tool referred to in item 1 of Schedule 2 (<http://www.mpi.govt.nz/growing-and-producing/forestry/overview/national-environmental-standards-for-plantation-forestry/erosion-susceptibility-classification/>)

outstanding freshwater body means a freshwater body that—

- (a) is identified in a regional policy statement or regional plan as having outstanding values, including any ecological, landscape, recreational, or spiritual values, however described; and
- (b) is identified in the policy statement or plan by its location, including by a map, a schedule, or a description of the area

outstanding natural features and landscapes means natural landscapes and features that—

- (a) are identified in a regional policy statement, regional plan, or district plan as outstanding, however described; and
- (b) are identified in the policy statement or plan by their location, including by a map, a schedule, or a description of the area

overburden means the overlying soil and rock that is removed to allow quarrying of the underlying material

papakāinga means a traditional layout of residential accommodation where dwellings are erected to exclusively house members of a whānau, hapū, or iwi, on land that is owned by the whānau, hapū, or iwi, and is Maori land within the meaning section 4 of Te Ture Whenua Maori Act 1993 (including Māori customary land and Māori freehold land)

perennial river means a river that is a continually or intermittently flowing body of freshwater, if the intermittent flows provide habitats for the continuation of the aquatic ecosystem

plantation forest or **plantation forestry** means a forest deliberately established for commercial purposes, being—

- (a) at least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and
- (b) includes all associated forestry infrastructure; but
- (c) does not include—
 - (i) a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or
 - (ii) forest species in urban areas; or
 - (iii) nurseries and seed orchards; or
 - (iv) trees grown for fruit or nuts; or
 - (v) long-term ecological restoration planting of forest species; or
 - (vi) willows and poplars space planted for soil conservation purposes

plantation forestry activity means any activity regulated under subparts 1 to 9 of Part 2 of these regulations that is conducted in plantation forestry

pruning and thinning to waste means pruning plantation forest trees and thinning to waste involving the selective felling of plantation forest trees within a stand where the felled trees remain on site

red zone means the land mapped and classified with an erosion susceptibility rating of very high in the electronic tool referred to in item 1 of Schedule 2 (<http://www.mpi.govt.nz/growing-and-producing/forestry/overview/national-environmental-standards-for-plantation-forestry/erosion-susceptibility-classification/>)

replanting means the planting and growing of plantation forestry trees on land less than 5 years after plantation forestry harvesting has occurred

riparian zone means that margin and bank of a water body, including the area where direct interaction occurs between land and water systems, that is important for the management of water quality and ecological values

ripping means disturbing the subsoil to a depth of 30 to 90 cm with a single-tine or double-tine (or winged) ripper mounted on an agricultural tractor or a bulldozer

river has the same meaning as in section 2(1) of the Act

river crossing—

- (a) means a structure that is required for the operation of a plantation forest and provides for vehicles or machinery to cross over a water body; and
- (b) includes an apron and other structures and materials necessary to complete a river crossing; but
- (c) does not include a stormwater culvert or a culvert under a forestry road or forestry track

roller crushing means crushing and breaking up vegetation using a large heavy roller released down a slope or towed by a bulldozer or tractor

salvage operation means the urgent extraction of trees that have been damaged by fire or wind throw

sediment means solid material that—

- (a) is mineral or is mineral and organic; and
- (b) is in suspension, is being transported, or has been moved from the site of origin by air, water, gravity, or ice and has come to rest on the earth's surface, either above or below water

sediment control measures means structures or measures to slow or stop water with sediment in it, so that the sediment will drop out of suspension before the water from the site reaches a water body

setback means the distance measured horizontally from a feature or boundary that creates a buffer within which certain activities cannot take place

shelter belt means a row or rows of trees or hedges planted to partially block wind flow

side cast means placing non-compacted fill or spoil that has been excavated from a cut to create forestry infrastructure on the downhill slope from the infrastructure

side cut means the excavation of an uphill slope that is required to create forestry infrastructure

significant natural area means an area of significant indigenous vegetation or significant habitat of indigenous fauna that—

- (a) is identified in a regional policy statement or a regional or district plan as significant, however described; and
- (b) is identified in the policy statement or plan, including by a map, a schedule, or a description of the area or by using significance criteria

single culvert means a river crossing structure made by using 1 culvert to carry the water flow and creating a surface on top of the culvert to cross a water body

slash means any tree waste left behind after plantation forestry activities

slash trap means a structure set in a river, on the bed of a river, or on land to trap slash mobilised by water

soffit means the lowest part of the span of a bridge

spoil means the by-product of excavations and earthworks

stormwater control measures means structures or measures to manage stormwater on formed surfaces, to reduce the volume or velocity of water run-off so as to reduce its power to entrain sediment

stormwater culvert means the culvert below the road profile that cross-drains water from the stormwater drain (the water table) at the inner edge of a forestry road or forestry track to its outer edge

stump line means points measured from the centre of the outer stumps of the plantation forestry trees previously harvested

subsoil means the layer of soil with low organic matter content—

- (a) with colour varying from brown, yellow-brown, red, or olive, or containing speckled colour patterns where poorly drained; and
- (b) at depths of 25 cm or more below the surface of the land

temporary river crossing—

- (a) means a river crossing that is in place for up to 2 months; and
- (b) includes a corduroy, which is a structure made by laying a culvert in the bed of a river to carry the water flow and creating a running surface approach using logs placed parallel to the culvert; but
- (c) does not include a bridge or ford

temporary single-span bridge means a single-span bridge that is in place for up to 2 years

urban area—

- (a) means an area identified in a district plan or proposed district plan as being primarily zoned for residential, industrial, or commercial activities,

together with adjoining special-purpose and open-space zones, however described; but

- (b) does not include an area zoned primarily for rural or rural-residential activities, however described

vegetation clearance—

- (a) means the disturbance, cutting, burning, clearing, damaging, destruction, or removal of vegetation that is not a plantation forest tree; but
- (b) does not include any activity undertaken in relation to a plantation forest tree

visual amenity landscape means a landscape or landscape feature that—

- (a) is identified in a district plan as having visual amenity values, however described; and
- (b) is identified in the policy statement or plan by its location, including by a map, a schedule, or a description of the area

water body has the same meaning as in section 2(1) of the Act

water run-off control measures means structures or measures to reduce the volume or velocity of water run-off and consequently reduce its power to entrain sediment

wetland has the same meaning as in section 2(1) of the Act

wilding conifer means a self-established conifer species tree resulting from seed spread from plantation forestry, shelter belts, amenity planting, or an already established wilding conifer species tree population

wilding tree risk calculator means the document DSS 1, “*Calculating Wilding Spread Risk From New Plantings*” in Appendix One of the document referred to in item 2 of Schedule 2 (*Guidelines for the use of the Decision Support System “Calculating Wilding Spread Risk From New Plantings”*), as used in conjunction with those guidelines

wilding tree risk guidelines means the guidelines in the document referred to in item 2 of Schedule 2 (*Guidelines for the use of the Decision Support System “Calculating Wilding Spread Risk From New Plantings”*)

yellow zone means the land mapped and classified with an erosion susceptibility rating of moderate in the electronic tool referred to in item 1 of Schedule 2 (<http://www.mpi.govt.nz/growing-and-producing/forestry/overview/national-environmental-standards-for-plantation-forestry/erosion-susceptibility-classification/>).

(2) In these regulations,—

- (a) a reference to a rule in a plan must be read as a reference to a rule in a district plan or regional plan within the meaning given in section 43AAB of the Act:

- (b) a reference to a plan must be read as a reference to a district plan or regional plan within the meaning given in section 43AA of the Act:
 - (c) a reference to a policy statement must be read as a reference to a regional policy statement within the meaning given in section 43AA of the Act.
- (3) In these regulations,—
- (a) a reference to matters over which control is reserved must be read as a reference to matters over which control is reserved for a territorial authority or regional council as a consent authority (*see* section 87A(2) of the Act):
 - (b) a reference to matters to which discretion is restricted must be read as a reference to matters to which discretion is restricted for a territorial authority or regional council as a consent authority (*see* section 87A(3) of the Act).

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

5 Application

- (1) These regulations apply to—
- (a) afforestation:
 - (b) pruning and thinning to waste:
 - (c) earthworks:
 - (d) river crossings:
 - (e) forestry quarrying:
 - (f) harvesting:
 - (g) mechanical land preparation:
 - (h) replanting:
 - (i) ancillary activities relating to slash traps and indigenous and non-indigenous vegetation clearance:
 - (j) discharges, disturbances, diversions, noise, dust, indigenous bird nesting, and fuel storage and refuelling, which are referred to in the general provisions and conditions in subpart 10 of Part 2.
- (2) The general provisions and conditions in subpart 10 of Part 2 must be complied with in addition to the requirements and conditions in these regulations that apply to the associated plantation forestry activity.
- (3) These regulations do not apply to—
- (a) vegetation clearance that is carried out before afforestation; or

- (b) any activities or general provisions and conditions not specified in subclause (1).
- (4) If these regulations do not apply to a particular activity, there may be rules in regional or district plans that apply to that activity.

6 Plan rules may be more stringent than these regulations

National instruments

- (1) A rule in a plan may be more stringent than these regulations if the rule gives effect to—
 - (a) a freshwater objective developed to give effect to the National Policy Statement for Freshwater Management:
 - (b) any of policies 11, 13, 15, and 22 of the New Zealand Coastal Policy Statement 2010.

Matters of national importance

- (2) A rule in a plan may be more stringent than these regulations if the rule recognises and provides for the protection of—
 - (a) outstanding natural features and landscapes from inappropriate use and development; or
 - (b) significant natural areas.

Unique and sensitive environments

- (3) A rule in a plan may be more stringent than these regulations if the rule manages any—
 - (a) activities in any green, yellow, or orange zone containing separation point granite soils areas that are identified in a regional policy statement, regional plan, or district plan:
 - (b) activities in any geothermal area or any karst geology that are identified in a regional policy statement, regional plan, or district plan:
 - (c) activities conducted within 1 km upstream of the abstraction point of a drinking water supply for more than 25 people where the water take is from a water body:
 - (d) forestry quarrying activities conducted over a shallow water table (less than 30 m below ground level) that is above an aquifer used for a human drinking water supply.
- (4) The areas and geology referred to in subclause (3)(b)—
 - (a) may be identified in a policy statement or plan by any form of description; and
 - (b) include only areas and geology where the location is identified in the policy statement or plan by a map, a schedule, or a description of the area or geology.

(5) In this regulation,—

geothermal area means an area that has surface expressions of geothermal processes or discharges, including steam-fed features and geothermal water-fed features

karst geology means a naturally occurring landform that is formed by the dissolution by fresh water of rock containing calcium carbonate, calcium-magnesium carbonate, or magnesium carbonate (such as limestone, marble, dolomite, or magnesite), and having 1 or more of the following features:

- (a) sinkholes:
- (b) fissured or fluted rock outcrops:
- (c) areas of discontinuous surface drainage that includes stream sinks or resurgence:
- (d) underground caves

upstream, in relation to an abstraction point, means,—

- (a) in the case of water (other than a lake), upstream of the abstraction point:
- (b) in the case of groundwater, up-gradient of the abstraction point:
- (c) in the case of a lake,—
 - (i) anywhere within the lake that could affect the water quality at the abstraction point (in the lake):
 - (ii) upstream of any river that could affect the water quality at the abstraction point (in the lake):
 - (iii) up-gradient of any groundwater that could affect the water quality at the abstraction point (in the lake).

7 Material incorporated by reference

Schedule 2 lists the documents and electronic tools incorporated by reference in these regulations and their URLs (where available).

Part 2

Regulation of plantation forestry activities

Subpart 1—Afforestation

8 Functions for this subpart

The functions of regional councils and territorial authorities under sections 30 and 31 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulations 10, 11, 12, and 17(1)	Regional council and territorial authority
Regulations 9(1), 13, 14(1) and (2), 15(1) to (4), 16(1), and 17(2)	Territorial authority
Regulations 9(2), 14(3), 15(5) and (6), 16(2), and 17(3) and (4)	Regional council

9 Permitted activity

Territorial authority

- (1) Afforestation is a permitted activity if regulations 10, 11, 12, 13, and 14(1) and (2) are complied with.

Regional council

- (2) Afforestation is a permitted activity if regulations 10, 11, 12, and 14(3) are complied with, in any—
- (a) green, yellow, or orange zone; or
 - (b) red zone where the land proposed for afforestation is 2 ha or less in any calendar year.

10 Permitted activity condition: notice

- (1) The relevant regional council and territorial authority must be given written notice of—
- (a) the location where the afforestation will occur and the proposed setbacks (including a description of how these were calculated); and
 - (b) the dates on which the afforestation is planned to begin and end.
- (2) Notice under subclause (1) must be given at least 20 and no more than 60 working days before the date on which the afforestation is planned to begin.

11 Permitted activity condition: wilding tree risk and control

Calculator

- (1) A wilding tree risk calculator score must be—

- (a) applied to any land on which afforestation of a conifer species is proposed; and
 - (b) calculated in accordance with the wilding tree risk guidelines by a suitably competent person; and
 - (c) completed no more than 6 months before notice is given under regulation 10.
- (2) In subclause (1), **suitably competent person** means a person with—
- (a) tertiary qualifications in silviculture and forest ecology and at least 2 years' experience in the field of silviculture; or
 - (b) at least 5 years' experience in silviculture that includes forest establishment.
- (3) Afforestation of a conifer species must not be carried out in an area with a wilding tree risk calculator score of 12 or more.
- (4) The relevant regional council and territorial authority must be given a copy of the wilding tree risk calculator calculation sheet and score required under subclause (1) at the same time as notice is given under regulation 10.

Control measures

- (5) All wilding conifers must be removed at least every 5 years after afforestation where established in wetlands or significant natural areas—
- (a) on the same property on which the afforestation activity occurs; and
 - (b) on any other adjacent properties under the same ownership or management as that of the property on which the afforestation activity occurs.

12 Permitted activity condition: significant natural areas and outstanding features and landscapes

Afforestation must not occur within a significant natural area or an outstanding natural feature or landscape.

13 Permitted activity condition: visual amenity landscapes

Afforestation must not occur within a visual amenity landscape if rules in the relevant plan restrict plantation forestry activities within that landscape.

14 Permitted activity condition: setbacks

Territorial authority

- (1) Afforestation must not occur—
- (a) within 10 m of the boundary of an adjoining property that is not owned by the owner of the plantation forest or the land it is located on (unless that adjoining property is also plantation forest); or
 - (b) except in the case of a dwelling located on the same property as the proposed plantation forestry to be afforested, within the greater of—

- (i) 40 m of a dwelling; and
 - (ii) a distance where the forest species when fully grown would shade a dwelling between 10 am and 2 pm on the shortest day of the year, except where topography already causes shading; or
 - (c) within 30 m of the boundary of land zoned in a district plan as a papakāinga or an urban area; or
 - (d) within 10 m of a significant natural area.
- (2) Afforestation must not occur where a plantation forest tree, when fully grown, could shade a paved public road between 10 am and 2 pm on the shortest day of the year, except where the topography already causes shading.

Regional council

- (3) Afforestation must not occur—
- (a) within 5 m of—
 - (i) a perennial river with a bankfull channel width of less than 3 m; or
 - (ii) a wetland larger than 0.25 ha; or
 - (b) within 10 m of—
 - (i) a perennial river with a bankfull channel width of 3 m or more; or
 - (ii) a lake larger than 0.25 ha; or
 - (iii) an outstanding freshwater body; or
 - (iv) a water body subject to a water conservation order; or
 - (v) a significant natural area; or
 - (c) within 30 m of the coastal marine area.

15 Controlled activity

Territorial authority

- (1) Afforestation is a controlled activity if regulation 10 is not complied with.
- (2) For the purpose of subclause (1), control is reserved over the information on the activity required to be given in the notice under regulation 10(1).
- (3) Afforestation is a controlled activity if regulation 13 is not complied with.
- (4) For the purpose of subclause (3), control is reserved over the effects on the visual amenity values of the visual amenity landscape, including any future effects from plantation forestry activities.

Regional council

- (5) Afforestation is a controlled activity if regulation 10 is not complied with and the afforestation is in any—
 - (a) green, yellow, or orange zone; or

- (b) red zone where the land proposed for afforestation is 2 ha or less in any calendar year.
- (6) For the purpose of subclause (5), control is reserved over the information on the activity required to be given in the notice under regulation 10(1).

16 Restricted discretionary activity

Territorial authority

- (1) Afforestation is a restricted discretionary activity if regulation 11, 12, or 14(1) or (2) is not complied with.

Regional council

- (2) Afforestation is a restricted discretionary activity if—
 - (a) regulation 11, 12, or 14(3) is not complied with and the afforestation is in any—
 - (i) green, yellow, or orange zone; or
 - (ii) red zone where the land proposed for afforestation is 2 ha or less in any calendar year; or
 - (b) it is in any red zone and the land proposed for afforestation is more than 2 ha in any calendar year; or
 - (c) the land proposed for afforestation is undefined in the erosion susceptibility classification.

17 Matters to which discretion is restricted

Territorial authority and regional council

- (1) If afforestation is a restricted discretionary activity under regulation 16(1) or (2)(a) for failing to comply with regulation 11 or 12, discretion is restricted to—
 - (a) the level of wilding tree risk:
 - (b) the mitigation proposed to restrict wilding conifer spread, including the species to be planted:
 - (c) the effects on the values of the significant natural area or outstanding natural feature or landscape:
 - (d) the information and monitoring requirements.

Territorial authority

- (2) If afforestation is a restricted discretionary activity under regulation 16(1) for failing to comply with regulation 14(1) or (2), discretion is restricted to—
 - (a) the effects on adjacent landowners, dwellings, land zoned in a district plan as a papakāinga, and urban areas:
 - (b) the effects of shading, including icing on a paved public road:
 - (c) the effects on the values of the significant natural area:

- (d) the information and monitoring requirements.
- Regional council*
- (3) If afforestation is a restricted discretionary activity under regulation 16(2)(a) for failing to comply with regulation 14(3), discretion is restricted to—
- (a) the effects on ecosystems, fresh water, and the coastal environment:
 - (b) the effects on the values of the significant natural area:
 - (c) the information and monitoring requirements.
- (4) If afforestation is a restricted discretionary activity under regulation 16(2)(b) or (c), discretion is restricted to—
- (a) the erosion and sedimentation effects, including effects on ecosystems, fresh water, and the coastal environment:
 - (b) measures to avoid, remedy, or mitigate erosion, including—
 - (i) the planting location and species:
 - (ii) requirements to address geotechnical and slope stability effects of infrastructure location:
 - (iii) sequencing of harvesting:
 - (iv) requirements to re-establish effective vegetation cover post-harvest through replanting or other means:
 - (v) provision of slash traps and downstream debris retention structures:
 - (vi) future harvesting and earthworks effects:
 - (c) the information and monitoring requirements.

Subpart 2—Pruning and thinning to waste

18 Functions for this subpart

The functions of regional councils and territorial authorities under sections 30 and 31 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulation 19(1)	Territorial authority
Regulations 19(2), 20, and 21	Regional council

19 Permitted activity

Territorial authority

- (1) Pruning and thinning to waste is a permitted activity.

Regional council

- (2) Pruning and thinning to waste is a permitted activity if regulation 20(1) or (2) is complied with.

20 Permitted activity conditions: slash

- (1) Slash from pruning and thinning to waste must not be deposited into a water body, onto the land that would be covered by water during a 5% AEP event, or into coastal water.
- (2) If subclause (1) is not complied with, slash from pruning and thinning to waste must be removed from a water body, the land that would be covered by water during a 5% AEP event, and coastal water, unless to do so would be unsafe, to avoid—
- (a) blocking or damming of a water body:
 - (b) eroding river banks:
 - (c) significant adverse effects on aquatic life:
 - (d) damaging downstream infrastructure, property, or receiving environments, including the coastal environment.

21 Controlled activity: regional council

- (1) Pruning and thinning to waste is a controlled activity if regulation 20 is not complied with.
- (2) Control is reserved over—
- (a) the effects on hydrological flow:
 - (b) methods used to minimise erosion and the deposit of slash:
 - (c) the effects on ecosystems, fresh water, and the coastal environment:
 - (d) the effects on downstream infrastructure and property:
 - (e) the information and monitoring requirements.

Subpart 3—Earthworks

22 Functions for this subpart

The functions of regional councils and territorial authorities under sections 30 and 31 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulation 23	Territorial authority
Regulations 24 to 35	Regional council

23 Permitted activity: territorial authority

Earthworks are a permitted activity.

24 Permitted activity: regional council

- (1) Earthworks are a permitted activity if regulations 25 to 33 are complied with and the activity is as specified in subclause (2), (3), or (4).
- (2) The earthworks may be—
 - (a) in a green or yellow zone; or
 - (b) in an orange zone with a land slope of less than 25 degrees; or
 - (c) in an orange zone with a land slope of 25 degrees or more and, in any 3-month period, comprise—
 - (i) side cutting to a height of 2 m to 3 m over a continuous length of no more than 100 m; and
 - (ii) the deposition of less than 500 m³ of spoil or fill; or
 - (d) in a red zone and, in any 3-month period, comprise—
 - (i) side cutting less than 2 m deep over a continuous length of no more than 50 m; and
 - (ii) the deposition of less than 100 m³ of spoil or fill.
- (3) The earthworks may be maintenance and upgrade of existing earthworks in any erosion susceptibility classification zone if the volume moved in any 3-month period is less than 5 000 m³.
- (4) The earthworks may be forestry road widening or realignment in any erosion susceptibility classification zone if—
 - (a) the volume moved in any 3-month period is less than 5 000 m³; and
 - (b) where earthworks will be undertaken on a slope of more than 25 degrees, cut and fill road construction is used that involves—
 - (i) construction of a forestry road heading on the same grade as the road, but below the road formation height, to provide a bench below a forestry road to contain and stabilise the fill slope road and create a stable base; and
 - (ii) keying and compacting the fill to the bench; and
 - (c) spoil material is end-hauled to a safe containment area in any circumstance where—
 - (i) earthworks will be undertaken on a slope of more than 35 degrees; or
 - (ii) spoil cannot be benched in a manner that retains stability; and
 - (d) a record of any forestry road widening or realignment is maintained, and the record is available for inspection by the relevant council.

25 Permitted activity conditions: notice

- (1) If earthworks involve more than 500m² of soil disturbance in any 3-month period, the relevant regional council must be given written notice of—

- (a) the place where earthworks are to be carried out; and
 - (b) the dates on which the earthworks or road widening and realignment are planned to begin and end.
- (2) Notice under subclause (1) must be given—
- (a) at least 20 and no more than 60 working days before the date on which the earthworks or road widening and realignment are planned to begin; or
 - (b) a minimum of 2 days before the date on which any earthworks that are required for salvage operations are planned to begin; or
 - (c) annually, in the case of ongoing earthworks.
- (3) If a forestry earthworks management plan is required under regulation 27(1),—
- (a) notice under subclause (1) must include notice that a forestry earthworks management plan is required:
 - (b) after notice is given under subclause (1), the council may request a copy of the forestry earthworks management plan and a copy must be given within 5 working days of the date by which the plan must be in place in accordance with regulation 27(2)(c) or (d).

26 Permitted activity conditions: sediment

Sediment originating from earthworks must be managed to ensure that after reasonable mixing it does not give rise to any of the following effects on receiving waters:

- (a) any conspicuous change in colour or visual clarity;
- (b) the rendering of fresh water unsuitable for consumption by farm animals;
- (c) any significant adverse effect on aquatic life.

27 Permitted activity conditions: forestry earthworks management plan

- (1) A forestry earthworks management plan is required for all earthworks that involve more than 500 m² of soil disturbance in any 3-month period.
- (2) A forestry earthworks management plan must—
- (a) identify the environmental risks associated with the earthworks and provide measures to avoid, remedy, or mitigate the adverse effects of the activity on the environment; and
 - (b) contain the details required by Schedule 3, but, if earthworks are to be undertaken without harvesting activities, there is no need to include the details required by clause 5 of that schedule or regulation 66; and
 - (c) be in place at least 20 working days before the earthworks begin; and
 - (d) if the earthworks are required for a salvage operation, be in place 2 days before the earthworks begin.

- (3) The forestry earthworks management plan must be provided to the relevant council on written request. The council may request that the forestry earthworks management plan be provided annually.
- (4) Material amendments to the forestry earthworks management plan must be documented and dated, and the relevant council must be advised that an amendment has been made. The amended plan must be made available to the relevant council on request.
- (5) In subclause (4), **material amendment** means any significant change to the location of forestry roads, forestry tracks, or landings, or changes to the matters required by subclause (2)(a) that would significantly change the methods used to manage environment effects.
- (6) If a forestry earthworks management plan is required under subclause (1), earthworks must be carried out in accordance with the plan.

28 Permitted activity conditions: operation

- (1) Earthworks in any orange or red zone that are not required for harvesting within 12 months must be stabilised within 20 working days of their completion.
- (2) Soil disturbance in ephemeral flow paths must avoid accelerated erosion, obstruction, or diversion of water flow.
- (3) In this regulation, **ephemeral flow path** means the route that water from intermittent rainfall events follows, if—
 - (a) the flow path is an entrenched dry gully greater than 1 m deep; or
 - (b) there is evidence of a channel within the valley system where overland flow occurs from time to time; or
 - (c) there is evidence of erosion (such as gully erosion or headward gully erosion) associated with short-term water flow from time to time within the valley system; or
 - (d) there is evidence of an active bed activated by rain events.

29 Permitted activity conditions: setbacks

- (1) Earthworks must not occur within 10 m of—
 - (a) a perennial river; or
 - (b) wetlands larger than 0.25 ha; or
 - (c) lakes larger than 0.25 ha; or
 - (d) an outstanding freshwater body; or
 - (e) a water body subject to a water conservation order.
- (2) Earthworks must not occur within 30 m of the coastal marine area.
- (3) The setbacks in subclause (1) do not apply—

- (a) if the earthworks are for the construction and maintenance of a river crossing, a sediment or water control measure, or a slash trap or debris retention structure; or
- (b) if the earthworks within the setback will result in less than 100 m² of soil disturbance in any 3-month period, and are not within 5 m of the water body; or
- (c) during the maintenance and upgrade of existing earthworks.

30 Permitted activity conditions: fill and spoil

Fill

- (1) Fill must contain no more than 5% (by volume) of vegetation and wood.

Spoil

- (2) Spoil must not be deposited—
 - (a) where it may cause failure of the deposited material or the underlying land; or
 - (b) over slash or woody vegetation; or
 - (c) into a water body, coastal water, or a significant natural area; or
 - (d) onto land in circumstances that may result in the spoil or sediment entering water.

31 Permitted activity conditions: sediment and stormwater control measures

- (1) All disturbed soil must be stabilised or contained to minimise sediment entering into any water and resulting in—
 - (a) the diversion or damming of any water body; or
 - (b) damage to downstream infrastructure, property, or receiving environments including the coastal environment.
- (2) Stormwater, water run-off, and sediment control measures must be installed and maintained.
- (3) Batters, cuts, and side cast construction must use methods that maintain stability.
- (4) The minimum stormwater culvert internal diameters for any forestry road or forestry track are—
 - (a) 325 mm internal diameter in any green, yellow, or orange zone with a land slope of less than 25 degrees;
 - (b) 375 mm internal diameter in any orange zone with a land slope of 25 degrees or more in any red zone.

32 Permitted activity conditions: stabilisation

- (1) Exposed areas of soil, except firebreaks, that may result in sediment entering water must be stabilised as soon as practicable after completion of the activity,

but no later than the last day of the autumn or the spring, whichever is sooner, after completion of the activity.

- (2) Suitable measures for stabilisation include—
 - (a) seeding;
 - (b) vegetative cover, mulch, or slash cover;
 - (c) compacting, draining, roughening, or armouring by the placement of rock or the use of other rigid materials.

33 Permitted activity conditions: roads, tracks, and landings

- (1) Forestry roads, forestry tracks, and landings must be managed and aligned to—
 - (a) divert water run-off and disperse water flows to stable ground and away from constructed fill; and
 - (b) minimise disturbance to earthflows and gullies.
- (2) In this regulation, **earthflow** means rapid flowing of soil and underlying weathered material on slopes of between 10 and 20 degrees that is characterised by—
 - (a) an overthrust bulging dome at the toe, a depressed, fissured, and disrupted centre upslope, and slipping or slumping at the head; and
 - (b) prominent transverse cracks, particularly in the upper region of the movement.

34 Controlled activity: regional council

- (1) Earthworks are a controlled activity if the earthworks are in an area and of a volume specified in regulation 24, and regulation 25 is not complied with.
- (2) Control is reserved over the information on the activity required by the notice under regulation 25(1).

35 Restricted discretionary activity: regional council

- (1) Earthworks are a restricted discretionary activity if the earthworks are in an area and of a volume set out in regulation 24, and any provision of regulations 26 to 33 is not complied with.
- (2) Earthworks are a restricted discretionary activity in—
 - (a) any orange zone with a land slope of 25 degrees or more where the threshold specified in regulation 24(2)(c) is exceeded; and
 - (b) any red zone where the threshold specified in regulation 24(2)(d) is exceeded; and
 - (c) any area where the land is undefined in the erosion susceptibility classification.
- (3) Discretion is restricted to—
 - (a) the timing, location, and duration of the activity;

- (b) the effects on ecosystems, fresh water, and the coastal environment:
- (c) the effects on vegetation in the riparian zone:
- (d) the method of stabilising soil disturbance:
- (e) the method of sediment retention and run-off management:
- (f) stormwater control measures:
- (g) the methods used to minimise erosion:
- (h) the placement and management of cuts, fill, or spoil likely to cause slope instability:
- (i) the preparation and content of the forestry earthworks management plan:
- (j) the information and monitoring requirements.

Subpart 4—River crossings

36 Functions for this subpart

The functions of regional councils under section 30 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulations 37 to 49	Regional council

37 Permitted activity: regional council

- (1) Constructing, using, maintaining, or removing a river crossing that is a single or battery culvert, drift deck, single-span bridge, or ford is a permitted activity if regulations 38 to 45 are complied with and—
 - (a) a single culvert complies with regulation 46(1):
 - (b) a battery culvert complies with regulation 46(2):
 - (c) a drift deck complies with regulation 46(3):
 - (d) a ford complies with regulation 46(4):
 - (e) a single-span bridge complies with regulation 46(5).
- (2) Constructing, using, maintaining, or removing a temporary river crossing or temporary single-span bridge is a permitted activity if regulations 38 to 41 and 43 to 45 are complied with and—
 - (a) a temporary river crossing complies with regulation 46(6):
 - (b) a temporary single-span bridge complies with regulations 42 and 46(5)(b), (c), and (d), and (7).

38 Permitted activity condition: notice

- (1) The relevant regional council must be given written notice of—
 - (a) the date on which the construction or removal of a river crossing, other than a temporary river crossing, is planned to begin; and

- (b) the location of the river crossing.
- (2) Notice under subclause (1) must occur at least 20 and no more than 60 working days before the date on which the river crossing activity is planned to begin.
- (3) Subclauses (1) and (2) do not apply to maintenance of a river crossing.

39 Permitted activity condition: effects on other structures and users

A river crossing must not—

- (a) alter the natural alignment or gradient of the river; or
- (b) compromise the structural integrity or use of any other lawfully established structure or activity in the bed of the river or lake; or
- (c) dam or divert water in a way that causes flooding or ponding on any property owned or occupied by a person other than the owner of the plantation forest.

40 Permitted activity condition: passage of fish

- (1) River crossings must provide for the upstream and downstream passage of fish in rivers, except where the relevant statutory fisheries manager advises the relevant regional council in writing that to provide for the passage of fish would have an adverse effect on the fish population upstream of the river crossing.
- (2) River crossings must provide for fish passage by maintaining river bed material in any structure that would be in place of the river bed.

41 Permitted activity condition: erosion and sediment discharge from use

- (1) The presence of the river crossing must not cause or induce erosion of the bed, or erosion or instability of the banks of the water body, or create sedimentation.
- (2) Approaches to and abutments of river crossings must be stabilised to avoid erosion and sedimentation.
- (3) Surface run-off from roads must be diverted away from water bodies within 10 m of the river crossing.

42 Permitted activity condition: maintenance

The river crossing must be maintained to avoid aggradation or erosion of the bed of the water body.

43 Permitted activity condition: location

A river crossing must not be constructed—

- (a) in a wetland larger than 0.25 ha; or
- (b) in a wetland of 0.25 ha or less, where the river crossing extends over more than 20 m in length within the wetland; or
- (c) within an outstanding freshwater body; or
- (d) within a water body subject to a water conservation order; or

- (e) within a significant natural area; or
- (f) less than 500 m upstream of a dwelling that is within 15 m of a river bed that is 3 m or more wide; or
- (g) downstream of a dwelling with a ground-floor level that is less than 1 m above the highest part of the river crossing.

44 Permitted activity condition: contaminant discharges and depositing organic matter

If a river crossing is being constructed, maintained, or removed,—

- (a) the activity must discharge no contaminants into water, other than sediment; and
- (b) all practicable steps must be taken to—
 - (i) avoid depositing organic matter or discharging sediment into a water body, or onto land in circumstances that may result in it entering water; and
 - (ii) minimise the disturbance of the bed of the river; and
 - (iii) minimise the disturbance of wetlands; and
- (c) all practicable steps must be taken to avoid wet concrete or concrete ingredients coming into contact with flowing or standing water; and
- (d) elevated sediment levels resulting from the construction, maintenance, or removal of a river crossing must not occur for longer than 8 consecutive hours; and
- (e) all machinery must be kept out of flowing or standing water, except where machinery must cross the bed of a water body for the purpose of river crossing construction, maintenance, or removal; and
- (f) all excess materials and equipment must be removed from the bed of the water body within 5 working days of the completion of the river crossing construction, maintenance, or removal.

45 Permitted activity condition: flow calculations

- (1) Flood flow estimations must be calculated for all river crossings, except fords, using 1 or more of the following:
 - (a) the document referred to in item 3 of Schedule 2 (*Flood Estimation – A Revised Design Procedure*);
 - (b) the document referred to in item 4 of Schedule 2 (*Technical Memorandum Number 61*);
 - (c) the document referred to in item 5 of Schedule 2 (*Estimation of Mean Annual Flood in New Zealand*).
- (2) On request by the relevant regional council, records of the calculations must be made available within 20 working days.

46 Permitted activity conditions specific to various classes of river crossings*Single culverts*

- (1) The following conditions apply to single culverts:
- (a) the calculated 5% AEP storm flow from the catchment above the river crossing point must be no greater than 5.5 m³ per second:
 - (b) the culvert must be designed to pass a 5% AEP flood event without heading up:
 - (c) the culvert diameter must be at least 450 mm:
 - (d) the highest point of the river crossing, measured at the inlet end, must be no greater than 3.5 m above the river bed:
 - (e) the fill depth and construction must comply with the culvert manufacturer's specifications:
 - (f) at installation, the culvert invert must be located so that at least 20% of the culvert's diameter is below the river bed level:
 - (g) where the bankfull channel width is 3 m or more, the bed invert gradient must be no greater than 6%, measured 50 m upstream and downstream of the river crossing:
 - (h) the culvert inlet (entry point) and outlet (exit point) must be protected from erosion:
 - (i) culvert approaches and fill must be constructed using successively compacted layers of clean fill that is free of organic matter.

Battery culverts

- (2) The following conditions apply to battery culverts:
- (a) the contributing catchment must be less than 500 ha:
 - (b) the maximum height of the river crossing measured from the river bed must not exceed 800 mm:
 - (c) the diameter of each culvert must be at least 450 mm but not exceed 800 mm, except that the culvert that carries base flow must be at least 450 mm but not exceed 1 200 mm:
 - (d) the invert of at least 1 culvert pipe must be at least 100 mm below the river bed level and positioned to carry base flow:
 - (e) the culvert pipe inlets (entry point) and outlets (exit point) must be protected from erosion:
 - (f) culvert approaches must be protected from erosion:
 - (g) if the bankfull channel width is 3 m or more, the bed invert gradient, measured 50 m upstream and downstream of the river crossing, must be no greater than 6%:

- (h) the culvert must be sized to pass annual average flow and must be constructed to allow greater flows to pass over it without structural failure.

Drift decks

- (3) The following conditions apply to drift decks:
 - (a) the contributing catchment must be less than 500 ha:
 - (b) the approaches and outlets must be protected from erosion:
 - (c) if the bankfull channel width is 3 m or more and the bed invert gradient measured 50 m upstream and downstream of the river crossing is greater than 6%, 2 discrete footings must be used to embed the drift deck into the substrate, to maintain the natural bed material under the structure.

Fords

- (4) The following conditions apply to fords:
 - (a) to minimise sediment release to the water body, water from the forestry road or forestry track surface must be intercepted, and passed through a sediment treatment structure positioned as close as practicable to the water body, above the annual flood flow level:
 - (b) use of the ford must not cause a conspicuous change in colour or visual clarity beyond a 100 m mixing zone downstream of the ford for more than 30 consecutive minutes after use of the ford:
 - (c) a new ford is not permitted in a river listed in a regional plan or water conservation order as a habitat for threatened indigenous fish or a fish spawning area.

Single-span bridges

- (5) The following conditions apply to single-span bridges:
 - (a) there must be at least 1 m clearance of the bridge soffit above the design flood level, from a 2% AEP event:
 - (b) bridges must not decrease the bankfull channel width or top flow width by more than 10%:
 - (c) the abutments or foundations must be constructed parallel to the channel:
 - (d) a bridge on a navigable water body must permit continued navigability.

Temporary river crossings

- (6) The following conditions apply to temporary river crossings:
 - (a) excavation of the banks or bed of a river must not exceed 200 m²:
 - (b) if logs are placed in the bed of a river, a culvert at least 300 mm in diameter must be placed in the bed first:
 - (c) all river crossing materials must be removed from the bed of a river within 1 week of the completion of the construction or removal of the river crossing.

Temporary single-span bridges

- (7) The following conditions apply to temporary single-span bridges:
- (a) bridges must be constructed to pass the flood flow from a 5% AEP event under the bridge soffit; and
 - (b) bridges must be constructed to enable the passage of bed material.

47 Controlled activity: regional council*Controlled activity*

- (1) Constructing, using, maintaining, or removing a single or battery culvert is a controlled activity if regulation 45 or 46(1) or (2), as the case requires, is not complied with and—
- (a) the culvert will pass a 5% AEP flood event; and
 - (b) the highest point of the river crossing, measured at the inlet end, is no more than 4 m above the river bed; and
 - (c) the culvert position complies with the manufacturer's minimum height specifications.
- (2) Constructing, using, maintaining, or removing a single-span bridge is a controlled activity if regulation 45 or 46(5) is not complied with and the contributing catchment is less than 5 000 ha.
- (3) Constructing, using, maintaining, or removing any river crossing (including a single or battery culvert, drift deck, single-span or temporary single-span bridge, ford, or temporary river crossing) is a controlled activity if regulation 38 is not complied with.

Matters over which control is reserved

- (4) For the purpose of subclause (1), control is reserved over—
- (a) the timing of any bed disturbance in relation to adverse effects on aquatic ecosystems;
 - (b) measures to minimise the duration and extent of bed disturbance;
 - (c) measures to avoid, remedy, or mitigate the adverse effects of the structure on—
 - (i) property owned or occupied by a person other than the owner of the plantation forest, including flooding or ponding; and
 - (ii) natural water flow and flood flows;
 - (d) measures to avoid or mitigate the risk of soil or debris being discharged into water or onto land in circumstances that may result in it entering the water body;
 - (e) engineering design relating to—
 - (i) the catchment area above the culvert;
 - (ii) the culvert size and location;

- (iii) the number of culverts in the bed:
 - (iv) the passage of debris and bed sediment in flood events exceeding the culvert design, to cover bypass and overtop design matters:
 - (v) the structural stability of the culvert embankment:
 - (vi) the detained water volume, upstream of the culvert embankment:
 - (f) measures to account for any adverse effects of the culvert arising from—
 - (i) the prevailing bed gradient and flow power:
 - (ii) the fill height above the culvert, for dam failure assessment:
 - (iii) the velocity of water from the culvert:
 - (iv) design flood levels:
 - (v) soil type and geology:
 - (g) construction standards, including for headwall and apron:
 - (h) information and monitoring requirements for the maintenance of the culvert, including removal of the structure if it is damaged or becomes redundant.
- (5) For the purpose of subclause (2), control is reserved over—
- (a) the timing of any bed disturbance in relation to adverse effects on aquatic ecosystems:
 - (b) measures to account for—
 - (i) prevailing slope stability (including local stability of approaches and abutments):
 - (ii) soffit height above the 2% AEP flood level:
 - (iii) design flood levels:
 - (iv) location, so as not to decrease the bankfull channel width or flow top width by more than 10%:
 - (v) soil type and geology:
 - (c) erosion protection works:
 - (d) location of the single-span bridge:
 - (e) information and monitoring requirements for the maintenance of the bridge, including removal of the structure if it is damaged or becomes redundant:
 - (f) matters affecting navigation in navigable water bodies.
- (6) For the purpose of subclause (3), control is reserved over the information on the activity required by the notice under regulation 38(1).

48 Restricted discretionary activity: regional council*Restricted discretionary activity*

- (1) Constructing, using, maintaining, or removing any single or battery culvert, drift deck, single-span or temporary single-span bridge, ford, or temporary river crossing is a restricted discretionary activity if any provision of regulations 38 to 46 is not complied with and the activity is not classified as a controlled activity.

Matters to which discretion is restricted

- (2) Discretion is restricted to—
- (a) aspects of engineering relating to characteristics of the site, design, and construction of the river crossing, to—
- (i) avoid causing flooding or ponding on any property owned or occupied by a person other than the owner of the plantation forest:
 - (ii) avoid altering the natural course of the river:
 - (iii) avoid causing or inducing erosion of the bed or instability of the banks:
 - (iv) avoid instability of the structure and approaches, and obstructions to the passage of debris and bed sediment, in an event exceeding the capacity of the river crossing design, including—
 - (A) the number and capacity of culverts, where fill height is greater than 2.5 m:
 - (B) the design flood level and design of protection works and upstream ramps for drift decks:
 - (C) detained water volume, upstream of the culvert embankment:
 - (D) provision for bypass or overtopping:
 - (v) avoid compromising the structural integrity or use of any other structure or activity in the bed, including structures and activities downstream of the river crossing, that are at risk if the river crossing fails, including the composition and strength of the culvert embankment:
 - (vi) avoid culverts heading up, in events less frequent than 2% AEP:
 - (vii) avoid affecting navigation in navigable water bodies:
- (b) measures to—
- (i) minimise effects on water quality, including those from the release of sediment due to bed disturbance, run-off from pouring concrete, and impediments to bed load sediment transport:
 - (ii) avoid or mitigate the deposition of soil or other debris into water or onto land in circumstances that may result in it entering water:

- (iii) minimise the duration and extent of bed disturbance:
- (iv) avoid, remedy, or mitigate the adverse effects of the structure on—
 - (A) erosion or land instability, including erosion protection works:
 - (B) natural water flow and flood flows:
 - (C) the permanent passage of fish:
 - (D) aquatic ecosystems, including indigenous biodiversity:
- (v) maintain the structure, including removal of accumulated debris:
- (c) cumulative effects of multiple river crossings within a catchment:
- (d) alternative roading and river crossing routes:
- (e) the information and monitoring requirements.

49 **Discretionary activity: regional council**

Constructing, using, maintaining, or removing a river crossing is a discretionary activity where it is a river crossing that is not within the following classes: a single or battery culvert, drift deck, single-span or temporary single-span bridge, ford, or temporary river crossing.

Subpart 5—Forestry quarrying

50 **Functions for this subpart**

The functions of regional councils and territorial authorities under sections 30 and 31 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulation 52(1) and (2)	Regional council and territorial authority
Regulations 51(1), 53, 54(1) and (2), 57, 60(1) and (2), and 61(1) and (2)	Territorial authority
Regulations 51(2), 52(3), 54(3) and (4), 55, 56, 58, 59, 60(3) and (4), and 61(3), (4), and (5)	Regional council

51 **Permitted activity**

Territorial authority

- (1) Forestry quarrying is a permitted activity if regulations 52(1) and (2), 53, 54(1) and (2), and 57 are complied with.

Regional council

- (2) Forestry quarrying is a permitted activity in any green or yellow zone, or in any orange zone except in earthflow terrain, if regulations 52, 54(3) and (4), 55, 56, 58, and 59 are complied with.

52 Permitted activity conditions: notice*Territorial authority and regional council*

- (1) If the volume extracted from a forest quarry exceeds 200 m³ in any calendar year, the relevant regional council and territorial authority must be given written notice of—
- (a) the place where the forestry quarrying is to be carried out and the proposed setbacks (including a description of how they were calculated); and
 - (b) the dates on which the forestry quarrying is planned to begin and end.
- (2) Notice under subclause (1) must occur—
- (a) at least 20 and no more than 60 working days before the date on which the forestry quarrying is planned to begin; or
 - (b) annually, in the case of ongoing forestry quarrying.

Regional council

- (3) If a quarry erosion and sediment management plan is required under regulation 59(1),—
- (a) the written notice under subclause (1) must include notice that a quarry erosion and sediment management plan is required;
 - (b) after notice is given under subclause (1), the council may request a copy of the quarry erosion and sediment management plan, and the copy must be given within 5 working days of the date by which the plan must be in place in accordance with regulation 59(3).

53 Permitted activity conditions: visibility

A forest quarry that is within 2 km of a dwelling under different ownership or management from that of the land on which the quarry is located and is visible from the dwelling—

- (a) must not quarry more than 5 000 m³ of material within a 5-year period; and
- (b) must not be closer than 500 m from any other quarry at which forestry quarrying exceeds 200 m³ per calendar year.

54 Permitted activity conditions: setbacks*Territorial authority*

- (1) New forestry quarrying must not be undertaken within 500 m of—

- (a) a dwelling under different ownership or management from that of the land on which the forest quarry is located; or
 - (b) the boundary of an urban area or a papakāinga.
- (2) Excavated overburden must not be deposited within 20 m of an adjoining property under different ownership or management from that of the land on which the forest quarry is located.

Regional council

- (3) Forestry quarrying must not be undertaken within 20 m of—
- (a) a perennial river; or
 - (b) a wetland larger than 0.25 ha; or
 - (c) a lake larger than 0.25 ha.
- (4) Forestry quarrying must not be undertaken within 30 m of the coastal marine area.

55 Permitted activity conditions: deposition, stabilisation, and restoration

- (1) Excavated overburden must not be deposited—
- (a) where it may cause failure of the deposited material or the underlying land; or
 - (b) over slash or woody vegetation; or
 - (c) into a water body, coastal water, or a significant natural area, or within a setback referred to in regulation 54(3) or (4); or
 - (d) onto land in circumstances which may result in sediment entering water.
- (2) Overburden and exposed spoil generated from quarrying activities must be stabilised within 6 months of exposure to prevent soil erosion and sediment export.
- (3) All topsoil stripped from the surface of the land must be retained on the property for future restoration of the land.
- (4) Within 2 months of the quarry being deactivated, the land must be restored to a stable land form.
- (5) In this regulation, **topsoil** means the surface layer of soil, enriched by organic matter and dark brown to black in colour, to a maximum depth of 25 cm.

56 Permitted activity conditions: sediment and stormwater control measures

Sediment

- (1) Sediment originating from forestry quarrying must be managed to ensure that after reasonable mixing it does not give rise to any of the following effects in receiving waters:
- (a) any conspicuous change in colour or visual clarity:

- (b) the rendering of fresh water unsuitable for consumption by farm animals;
- (c) any significant adverse effect on aquatic life.

Sediment and stormwater control measures

- (2) All disturbed soil must be stabilised or contained to avoid it causing—
 - (a) the diversion or damming of any water body; or
 - (b) damage to downstream infrastructure, property, or receiving environments including the coastal environment.
- (3) Stormwater, water run-off, and sediment control measures must be installed and maintained.
- (4) Batters, cuts, and side cast construction must use methods that maintain stability.

57 Permitted activity conditions: traffic management

Forestry quarry material must not be transported on a public road unless—

- (a) quarry material is being transported to a property under the same ownership or management as that of the plantation forest; and
- (b) debris and soil is removed from wheels of vehicles transporting quarry material before vehicles exit the property on which the quarry is located; and
- (c) the material is transported 2 km or less; and
- (d) vehicles carrying quarry material do not travel through any area zoned in a district plan or proposed district plan as—
 - (i) an urban area; or
 - (ii) primarily for rural residential or country living activities (however described).

58 Permitted activity conditions: aquifers

- (1) The deepest excavation of a quarry must not extend—
 - (a) into the aquitard above a confined aquifer; or
 - (b) within 1 m of the seasonal high water table level above an unconfined aquifer.
- (2) In this regulation,—

aquifer means a water-saturated zone of the ground that will yield groundwater to bores or springs at a sufficient rate to serve as an adequate source of water

aquitard means a low-permeability soil layer that restricts the flow of groundwater from one aquifer to another

confined aquifer means a saturated water-bearing formation that does not have a free water table and is protected by an aquitard from surface contamination

seasonal high water table means the highest groundwater elevation that the water table has reached between the months of June and August (inclusive) at the time the activity is established

unconfined aquifer means a saturated water-bearing formation that has a free water table and is not protected by an aquitard from surface contamination.

59 Permitted activity conditions: quarry erosion and sediment management plan

- (1) A quarry erosion and sediment management plan that contains the details required by Schedule 4 must be prepared for any forest quarry if the volume extracted exceeds 200 m³ in any calendar year.
- (2) The quarry erosion and sediment management plan must identify the environmental risks associated with the quarrying activities and provide measures to avoid, remedy, or mitigate the adverse effects of the activity on the environment.
- (3) The quarry erosion and sediment management plan must be in place at least 20 working days before the forestry quarrying begins.
- (4) The quarry erosion and sediment management plan must be provided to the relevant council on written request. The council may request that the quarry erosion and sediment management plan be provided annually.
- (5) Material amendments to the quarry erosion and sediment management plan must be documented and dated, and the relevant council must be advised that an amendment has been made. The amended plan must be made available to the relevant council on request.
- (6) In subclause (5), **material amendment** means any significant change, such as the relocation of quarry roads, or changes to the matters required by subclause (2) that would significantly change the methods used to manage environmental effects.
- (7) If a quarry erosion and sediment management plan is required under subclause (1), any quarrying activities must be undertaken in accordance with the plan.

60 Controlled activity

Controlled activity: territorial authority

- (1) Forestry quarrying is a controlled activity if regulation 52(1) or (2) is not complied with.

Matters over which control is reserved

- (2) For the purpose of subclause (1), control is reserved over the information on the activity required by the notice under regulation 52(1).

Controlled activity: regional council

- (3) Forestry quarrying is a controlled activity in any green or yellow zone, or in any orange zone except in earthflow terrain, if regulation 52, 55, 56(2), (3), or (4), 58, or 59 is not complied with.

Matters over which control is reserved

- (4) For the purpose of subclause (3), control is reserved over—
- (a) the timing, location, and duration of the activity:
 - (b) the area and volume of forestry quarrying:
 - (c) the disposal of fill and overburden:
 - (d) the method of stabilisation of disturbed soil, fill, and overburden:
 - (e) stormwater control:
 - (f) sediment retention and run-off management methods:
 - (g) effects on ecosystems, fresh water, and the coastal environment:
 - (h) effects on vegetation in the riparian zone:
 - (i) measures to rehabilitate land:
 - (j) the dimensions of cut and fill:
 - (k) the preparation and content of a quarry erosion and sediment management plan:
 - (l) the information and monitoring requirements.

61 Restricted discretionary activity

Restricted discretionary activity: territorial authority

- (1) Forestry quarrying is a restricted discretionary activity if regulation 53, 54(1) or (2), or 57 is not complied with.

Matters to which discretion is restricted

- (2) For the purpose of subclause (1), discretion is restricted to—
- (a) the timing, location, and duration of the activity:
 - (b) the visual, dust, and noise effects on adjoining properties:
 - (c) the dimensions of cut and fill:
 - (d) the effects on traffic and public roading infrastructure:
 - (e) the effects on adjacent landowners, dwellings, urban areas, and papakāinga:
 - (f) the information and monitoring requirements.

Restricted discretionary activity: regional council

- (3) Forestry quarrying is a restricted discretionary activity in any green or yellow zone, or in any orange zone except in earthflow terrain, if regulation 54(3) or (4) or 56(1) is not complied with.

- (4) Forestry quarrying is a restricted discretionary activity in any—
- (a) red zone:
 - (b) earthflow terrain in any orange zone:
 - (c) area of land that is undefined in the erosion susceptibility classification.
- Matters to which discretion is restricted*
- (5) For the purpose of subclause (3) or (4), discretion is restricted to—
- (a) the timing, location, and duration of the activity:
 - (b) the area and volume of forestry quarrying:
 - (c) the disposal of fill and overburden:
 - (d) the method of stabilisation of disturbed soil, fill, and overburden:
 - (e) stormwater control:
 - (f) sediment retention and run-off management methods:
 - (g) the effects on ecosystems, fresh water, and the coastal environment:
 - (h) the effects on vegetation in the riparian zone:
 - (i) measures to rehabilitate land:
 - (j) the dimensions of cut and fill:
 - (k) the preparation and content of a quarry erosion and sediment management plan:
 - (l) the information and monitoring requirements.

Subpart 6—Harvesting

62 Functions for this subpart

The functions of regional councils and territorial authorities under sections 30 and 31 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulation 64(1) and (2)	Regional council and territorial authority
Regulations 63(1) and 70(1) and (2)	Territorial authority
Regulations 63(2) and (3), 64(3), 65 to 69, 70(3) and (4), and 71	Regional council

63 Permitted activity

Territorial authority

- (1) Harvesting is a permitted activity if regulation 64(1) and (2) is complied with.

Regional council

- (2) Harvesting is a permitted activity if regulations 64 to 69 are complied with and the harvesting is in any—
 - (a) green, yellow, or orange zone; or
 - (b) red zone that is not of Land Use Capability Class 8e, where it involves no more than 2 ha of harvesting in any 3-month period.
- (3) Harvesting where a minimum of 75% canopy cover is maintained at all times for any given hectare of plantation forest land (low-intensity harvesting) is a permitted activity in all erosion susceptibility classification zones if regulations 64 to 69 are complied with.

64 Permitted activity conditions: notice*Territorial authority and regional council*

- (1) The relevant regional council and territorial authority must be given written notice of—
 - (a) the place where harvesting will be carried out; and
 - (b) the dates on which the harvesting is planned to begin and end.
- (2) Notice under subclause (1) must occur—
 - (a) at least 20 and no more than 60 working days before the date on which the harvesting is planned to begin; or
 - (b) a minimum of 2 days before the date on which harvesting required for salvage operations is planned to begin; or
 - (c) annually, in the case of ongoing harvesting operations.

Regional council

- (3) After notice is given under subclause (1), the council may request a copy of the harvest plan and a copy of the harvest plan must be given within 5 working days of the date by which the plan must be in place in accordance with regulation 66(2)(c).

65 Permitted activity conditions: sediment

Sediment originating from harvesting must be managed to ensure that after reasonable mixing it does not give rise to any of the following effects in the receiving waters:

- (a) any conspicuous change in colour or visual clarity;
- (b) the rendering of fresh water unsuitable for consumption by farm animals;
- (c) any significant adverse effect on aquatic life.

66 Permitted activity conditions: harvest plan

- (1) A harvest plan is required for all erosion susceptibility classification zones.

- (2) A harvest plan must—
 - (a) identify the environmental risks associated with the earthworks and provide operational responses to those risks that avoid, remedy, or mitigate the adverse effects of the activity on the environment; and
 - (b) contain the details required by Schedule 3, but, if harvesting activities are to be undertaken without earthworks, there is no need to include the details required by clause 4 of that schedule or regulation 27; and
 - (c) be in place at least 20 working days before harvesting begins, except where the harvesting is a salvage operation; and
 - (d) if the harvesting is a salvage operation, be in place before harvesting begins.
- (3) In the case of any orange or red zone, a harvest plan must be accompanied by a forestry earthworks management plan that contains the details required by Schedule 3 or a combined plan that contains all the details required by that schedule.
- (4) The harvest plan must be provided to the relevant council on written request. The council may request that the harvest plan be provided annually.
- (5) Material amendments to the harvest plan must be documented and dated, and the relevant council must be advised that an amendment has been made. The amended plan must be made available to the relevant council on request.
- (6) In subclause (5), **material amendment** means any significant change in harvest regime, such as changing from ground-based to hauler, or changes to the matters required by subclause (2) that would change the methods used to manage environmental effects.
- (7) Any harvesting activities must be undertaken in accordance with the harvest plan.

67 Permitted activity conditions: ground disturbance

- (1) Harvest systems must be planned and located to achieve butt suspension wherever practicable.
- (2) Disturbed soil must be stabilised or contained to minimise sediment entering into any water and resulting in—
 - (a) the diversion or damming of any water body; or
 - (b) degradation of the aquatic habitat, riparian zone, freshwater body, or coastal environment; or
 - (c) damage to downstream infrastructure and properties.

68 Permitted activity conditions: disturbance of margins of water bodies and coastal marine area

- (1) Trees must be felled away from any water body or riparian zone during harvesting, except where it is unsafe to do so, to minimise disturbance to the margins of water bodies and to the coastal marine area.
- (2) If the exception in subclause (1) applies, trees must be felled directly across the water body for full-length extraction before de-limbing or heading.
- (3) Full suspension tree harvesting in a manner that lifts the entire tree above the ground must be achieved across rivers of 3 m or more in width.
- (4) Harvesting machinery must not be operated, except where subclause (5) applies,—
 - (a) within 5 m of—
 - (i) a perennial river with a bankfull channel width less than 3 m; or
 - (ii) a wetland larger than 0.25 ha; or
 - (b) within 10 m of—
 - (i) a perennial river with a bankfull channel width of 3 m or more; or
 - (ii) a lake larger than 0.25 ha; or
 - (iii) an outstanding freshwater body; or
 - (iv) a water body subject to a water conservation order; or
 - (c) within 30 m of the coastal marine area.
- (5) Harvesting machinery may be operated in the setbacks required by subclause (4) only if—
 - (a) any disturbance to the water body from the machinery is minimised; and
 - (b) the harvest machinery is being operated—
 - (i) at water body crossing points; or
 - (ii) where slash removal is necessary; or
 - (iii) where essential for directional felling in a chosen direction or extraction of trees from within the setbacks in subclause (4).
- (6) When harvesting occurs within or across a riparian zone, all disturbed vegetation, soil, or debris must be deposited to avoid it entering into water, and to avoid—
 - (a) diversion or damming of any water body or coastal water;
 - (b) degradation of any aquatic habitat or riparian zone;
 - (c) damage to downstream infrastructure or property.

69 Permitted activity conditions: slash and debris management

- (1) Slash from harvesting must be placed onto stable ground.

- (2) Slash from harvesting that is on the edge of landing sites must be managed to avoid the collapse of slash piles.
- (3) Slash from harvesting must not be deposited into a water body or onto the land that would be covered by water during a 5% AEP event.
- (4) If subclause (3) is not complied with, slash from harvesting must be removed from a water body and the land that would be covered by water during a 5% AEP flood event, unless to do so would be unsafe, to avoid—
 - (a) blocking or damming of a water body:
 - (b) eroding river banks:
 - (c) significant adverse effects on aquatic life:
 - (d) damaging downstream infrastructure, property, or receiving environments, including the coastal environment.

70 Controlled activity

Controlled activity: territorial authority

- (1) Harvesting is a controlled activity if regulation 64(1) or (2) is not complied with.

Matters over which control is reserved

- (2) For the purpose of subclause (1), control is reserved over the information on the activity required by the notice under regulation 64(1).

Controlled activity: regional council

- (3) Harvesting is a controlled activity—
 - (a) in any green, yellow, or orange zone if any provision of regulations 64 to 69 is not complied with:
 - (b) in any red zone not of Land Use Capability Class 8e where it involves more than 2 ha of harvesting in any 3-month period.

Matters over which control is reserved

- (4) For the purpose of subclause (3), control is reserved over—
 - (a) the preparation and content of the harvest plan and the forestry earth-works management plan (if required):
 - (b) the type and method of harvesting:
 - (c) the timing, location, and duration of harvesting (including in relation to fish spawning):
 - (d) measures to address effects of harvesting on water quality, vegetation in the riparian zone, wetlands, and the coastal marine area:
 - (e) measures to minimise soil erosion during and after harvesting:
 - (f) measures to contain and remove slash:
 - (g) the information and monitoring requirements.

71 Restricted discretionary activity: regional council*Restricted discretionary activity*

- (1) Harvesting is a restricted discretionary activity in—
- (a) any red zone of Land Use Capability Class 8e;
 - (b) any land that is undefined in the erosion susceptibility classification.

Matters to which discretion is restricted

- (2) Discretion is restricted to—
- (a) the preparation and content of the harvest plan and the forestry earth-works management plan (if required);
 - (b) the type and method of harvesting;
 - (c) the timing, location, and duration of harvesting (including in relation to fish spawning);
 - (d) measures to address effects of harvesting on water quality, vegetation in the riparian zone, wetlands, and the coastal marine area;
 - (e) measures to minimise soil erosion during and after harvesting;
 - (f) measures to contain and remove slash;
 - (g) the information and monitoring requirements.

Subpart 7—Mechanical land preparation**72 Functions for this subpart**

The functions of regional councils and territorial authorities under sections 30 and 31 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulation 73(1)	Territorial authority
Regulations 73(2), 74, and 75	Regional council

73 Permitted activity*Territorial authority*

- (1) Mechanical land preparation is a permitted activity.

Regional council

- (2) Mechanical land preparation is a permitted activity if regulation 74 is complied with and the mechanical land preparation is in any—
- (a) green or yellow zone; or
 - (b) orange or red zone where the land slope is less than 25 degrees; or

- (c) orange or red zone where the land slope is 25 degrees or more, if the subsoil is not affected; or
- (d) orange or red zone where the land slope is 25 degrees or more, and where the subsoil is affected, but the area covered by the mechanical land preparation activity is 2 ha or less in any calendar year.

74 Permitted activity conditions: methods, sediment, and setbacks

Methods

- (1) Mechanical land preparation must be carried out parallel to the contour of the land, except if—
 - (a) it is roller crushing or downhill ripping; or
 - (b) working parallel would be unsafe.
- (2) If mechanical land preparation is not carried out parallel to the contour of the land, sediment control measures must be used to minimise sediment discharges to water bodies.
- (3) Continuous downhill ripping of soil must be less than 50 m and sufficient distance must be maintained between ripping so that entrained water from each ripping furrow does not reach another ripping furrow.
- (4) Downhill ripping is not permitted on land with a gully or tunnel gully erosion risk identified in the erosion susceptibility classification as severe or greater.
- (5) Exposed areas of soil that may result in sediment entering water must be stabilised as soon as practicable after the completion of the activity, but no later than 30 November or 31 May, whichever is sooner, after completion of the activity.

Sediment

- (6) Sediment originating from mechanical land preparation must be managed to ensure that after reasonable mixing it does not give rise to any of the following effects in the receiving waters:
 - (a) any conspicuous change in colour or visual clarity;
 - (b) rendering fresh water unsuitable for consumption by farm animals;
 - (c) any significant adverse effect on aquatic life.
- (7) All disturbed soil must be stabilised or contained to minimise the movement of sediment into any water body or coastal water resulting in—
 - (a) the diversion or damming of any water body; or
 - (b) damage to downstream infrastructure, property, or receiving environments, including the coastal environment.

Setbacks

- (8) Mechanical land preparation must not occur—
 - (a) within 5 m of—
 - (i) a perennial river with a bankfull channel width less than 3 m; or

- (ii) a wetland larger than 0.25 ha; or
- (b) within 10 m of—
 - (i) a perennial river with a bankfull channel width of 3 m or more; or
 - (ii) a lake larger than 0.25 ha; or
 - (iii) an outstanding freshwater body; or
 - (iv) a water body subject to a water conservation order; or
- (c) within 30 m of the coastal marine area.

75 Restricted discretionary activity: regional council

Restricted discretionary activity

- (1) Mechanical land preparation is a restricted discretionary activity if—
 - (a) it is in any area specified in regulation 73(2), and regulation 74 is not complied with; or
 - (b) it is in an orange or a red zone where the land slope is 25 degrees or more, the subsoil is affected, and the area covered by the mechanical land preparation activity is more than 2 ha in any calendar year; or
 - (c) the land is undefined in the erosion susceptibility classification.

Matters to which discretion is restricted

- (2) Discretion is restricted to—
 - (a) the timing, location, and duration of the activity;
 - (b) the area and the volume of the works;
 - (c) the effects on ecosystems, fresh water, and the coastal environment;
 - (d) the effects on vegetation in the riparian zone;
 - (e) the methods of stabilising soil disturbance;
 - (f) the methods of minimising erosion;
 - (g) the methods of sediment retention and run-off management;
 - (h) the information and monitoring requirements.
- (3) If the activity is a restricted discretionary activity under subclause (1)(b), discretion is restricted to—
 - (a) the matters in subclause (2); and
 - (b) the type of mechanical land preparation and method used; and
 - (c) the effects on hydrological flow.

Subpart 8—Replanting

76 Functions for this subpart

The functions of regional councils and territorial authorities under sections 30 and 31 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulation 79	Territorial authority and regional council
Regulations 77(1), 78(1), and 81(1) and (2)	Territorial authority
Regulations 77(2), 78(2) and (3), 80, and 81(3) and (4)	Regional council

77 Permitted activity

Territorial authority

- (1) Replanting is a permitted activity if regulations 78(1) and 79 are complied with.

Regional council

- (2) Replanting is a permitted activity if regulations 78(2) and (3) and 79 are complied with and the replanting is in any—
- (a) green, yellow, or orange zone; or
 - (b) red zone where the land proposed for replanting is 2 ha or less in any calendar year.

78 Permitted activity conditions: setbacks

Territorial authority

- (1) Replanting must not occur in any area closer than the stump line to an adjacent significant natural area.

Regional council

- (2) Replanting must not occur—
- (a) within 5 m of—
 - (i) a perennial river with a bankfull channel width less than 3 m; or
 - (ii) a wetland larger than 0.25 ha; or
 - (b) within 10 m of—
 - (i) a perennial river with a bankfull channel width of 3 m or more; or
 - (ii) a lake larger than 0.25 ha; or
 - (iii) an outstanding freshwater body; or
 - (iv) a water body subject to a water conservation order; or

- (c) within 30 m of the coastal marine area.
- (3) Replanting must not occur in any area closer than the stump line to an adjacent—
 - (a) perennial river; or
 - (b) wetland; or
 - (c) lake; or
 - (d) coastal marine area; or
 - (e) significant natural area.

79 Permitted activity conditions: wilding tree risk and control

- (1) A wilding tree risk calculator score must be completed—
 - (a) for any land on which replanting of a conifer species will occur, if that conifer species is different from the trees most recently harvested on the land; and
 - (b) in accordance with the wilding tree risk guidelines by a suitably competent person; and
 - (c) no more than 6 months before replanting described in paragraph (a) is carried out.
- (2) In subclause (1), **suitably competent person** means a person with—
 - (a) tertiary qualifications in silviculture and forest ecology and at least 2 years' experience in the field of silviculture; or
 - (b) at least 5 years' experience in silviculture that includes forest establishment.
- (3) Replanting of a conifer species must not be carried out if it is—
 - (a) a different species from the trees most recently harvested on the land proposed for replanting; and
 - (b) in an area with a wilding tree risk calculator score of 12 or more.
- (4) Subclause (3) does not apply if the trees most recently harvested on the same land proposed for replanting had a wilding tree risk calculator score—
 - (a) completed in accordance with subclauses (1)(b) and (2); and
 - (b) the same as or higher than that of the species proposed to be replanted.
- (5) A copy of the wilding tree risk calculator calculation sheet and score required under subclause (1) must be given to the relevant regional and territorial authority on request.
- (6) All wilding conifers must be removed before replanting begins, and every 5 years following replanting, where established in wetlands or significant natural areas—
 - (a) on the same property on which the replanting activity occurs; and

- (b) on any other adjacent properties under the same ownership or management as that of the property on which the replanting activity occurs.

80 Controlled activity: regional council

- (1) Replanting is a controlled activity if regulations 78(2) and (3) and 79 are complied with and the activity is in any red zone where the land proposed for replanting is more than 2 ha in any calendar year.
- (2) Control is reserved over the timing, location, and species.

81 Restricted discretionary activity

Restricted discretionary activity: territorial authority

- (1) Replanting is a restricted discretionary activity if regulation 78(1) or 79 is not complied with.

Matters to which discretion is restricted

- (2) For the purpose of subclause (1), discretion is restricted to—
 - (a) the timing, location, and species;
 - (b) the effects of replanting and future plantation forestry activities on significant natural areas;
 - (c) the mitigation actions to restrict wilding conifer spread;
 - (d) the information and monitoring requirements.

Restricted discretionary activity: regional council

- (3) Replanting is a restricted discretionary activity if regulation 78(2) or (3) or 79 is not complied with.

Matters to which discretion is restricted

- (4) For the purpose of subclause (3), discretion is restricted to—
 - (a) the effects on ecosystems, fresh water, and the coastal environment;
 - (b) the timing, location, and species;
 - (c) the effects of replanting and future plantation forestry activities on the adjacent water bodies, the coastal environment, or significant natural areas;
 - (d) the mitigation actions to restrict wilding conifer spread;
 - (e) the information and monitoring requirements.

Subpart 9—Ancillary activities

82 Functions for this subpart

The functions of regional councils and territorial authorities under sections 30 and 31 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulation 95	Regional council and territorial authority
Regulations 83(1), 93, and 94	Territorial authority
Regulations 83(2) and 84 to 92	Regional council

Slash traps

83 Permitted activity

Territorial authority

- (1) Constructing, installing, using, maintaining, or removing a slash trap on land, including land within the riparian zone, is a permitted activity.

Regional council

- (2) Constructing, installing, using, maintaining, or removing a slash trap in the bed of a river or on land is a permitted activity if regulations 84 to 91 are complied with.

84 Permitted activity conditions: design

- (1) The slash trap design must allow water to flow through freely and ensure that the slash trap does not dam the river.
- (2) The height of the slash trap must be no higher than 2 m above the bed of the river.

85 Permitted activity conditions: placement

- (1) Where the catchment area upstream of the slash trap is greater than 20 ha, the slash trap must not be located within the bankfull channel width of the river.
- (2) The slash trap must be located in a position that allows machine access for clearing and maintenance.

86 Permitted activity conditions: inspection and clearance

- (1) The slash trap must be—
 - (a) inspected within 5 working days of the date of any significant rainfall event in the upstream catchment that is likely to mobilise debris:
 - (b) cleared of debris at least 20 working days of a 5% AEP flood event:

- (c) maintained to avoid erosion of the river bed and maintained in a structurally sound and effective condition.
- (2) Slash cleared from the slash trap must be removed to a safe and stable location beyond river bed and land covered by the 5 % AEP flood event.

87 Permitted activity conditions: effect on other structures and users

A slash trap must not—

- (a) alter the natural alignment or gradient of the river; or
- (b) compromise the structural integrity or use of any other lawfully established infrastructure or activity in the bed of a river or lake; or
- (c) cause flooding or ponding on any property under different ownership from that of the plantation forest; or
- (d) cause or induce erosion of the river bed, or erosion or instability of the banks, of the river.

88 Permitted activity conditions: passage of fish

The slash trap must be designed, located, and maintained so that it provides for the passage of fish.

89 Permitted activity conditions: contaminant discharges and depositing organic matter

If a slash trap is being constructed, installed, removed, maintained, or cleared,—

- (a) the activity must not release contaminants into water, other than sediment; and
- (b) all practicable steps must be taken to—
 - (i) avoid depositing organic matter or discharging sediment into a water body or onto the bed of a river or land in circumstances that may result in it entering water; and
 - (ii) minimise the disturbance of the bed of the river; and
- (c) all practicable steps must be taken to avoid wet concrete or concrete ingredients coming into contact with flowing or standing water; and
- (d) elevated sediment levels in any river resulting from the construction, installation, maintenance, or removal of a slash trap must not occur for more than 8 consecutive hours; and
- (e) all excess materials and equipment must be removed from the bed of the river within 24 hours of the completion of the construction, installation, maintenance, or removal of a slash trap.

90 Permitted activity conditions: sediment

Sediment originating from slash traps must be managed to ensure that after reasonable mixing it does not give rise to any of the following effects in receiving waters:

- (a) any conspicuous change in colour or visual clarity:
- (b) the rendering of fresh water unsuitable for consumption by farm animals:
- (c) any significant adverse effect on aquatic life.

91 Permitted activity conditions: reporting requirements

- (1) A written report must be provided to the regional council within 20 working days of the slash trap's construction detailing location, design, and construction. Photographic evidence of the slash trap must form part of the report.
- (2) A written report must be provided to the regional council annually by 31 March detailing the frequency of maintenance and clearance of the slash trap, and slash trap condition and performance, including any of the following adverse effects:
 - (a) damage to downstream infrastructure, property, or receiving environments:
 - (b) disturbance of the bed of the river:
 - (c) blockages to the passage of fish.

92 Restricted discretionary activity: regional council*Restricted discretionary activity*

- (1) Constructing, installing, using, maintaining, or removing a slash trap in the bed of a river or on land is a restricted discretionary activity if any provision of regulations 84 to 91 is not complied with.

Matters to which discretion is restricted

- (2) Discretion is restricted to—
 - (a) slash trap design and construction:
 - (b) the location, timing, and duration of the slash trap:
 - (c) the effectiveness of mitigation measures to manage the effects of slash, debris mobilisation, and downstream deposition:
 - (d) alternative measures to manage slash and debris mobilisation:
 - (e) river bed and bank stability and erosion:
 - (f) the effects on ecosystems, including the passage of fish:
 - (g) water quality and flow:
 - (h) public use and public access to and along the river:
 - (i) the effects on upstream and downstream properties and infrastructure:

- (j) the information and monitoring requirements.

Indigenous vegetation clearance

93 Permitted activity: territorial authority

- (1) Vegetation clearance of indigenous vegetation associated with a plantation forestry activity is a permitted activity if subclause (2), (3), or (4) is complied with and the clearance does not occur within a significant natural area, except that a clearance of a forestry track described in subclause (2)(d) may occur in a significant natural area.
- (2) Vegetation clearance of indigenous vegetation may occur within an area of a plantation forest if the indigenous vegetation—
- (a) has grown up under (or may have overtopped) plantation forestry; or
 - (b) is within an area of a failed plantation forest that failed in the last rotation period (afforestation to replanting) of the plantation forestry; or
 - (c) is within an area of plantation forest that has been harvested within the previous 5 years; or
 - (d) is overgrowing a forestry track, if the track has been used within the last 50 years.
- (3) Vegetation clearance of an area of indigenous vegetation located within or adjacent to a plantation forest may be carried out if—
- (a) the area of indigenous vegetation and the plantation forest are held in the same ownership; and
 - (b) the cumulative clearance does not exceed 1 ha or 1.5% (whichever is the greater) of the total area of indigenous vegetation within or adjacent to the plantation forest in which the clearance is proposed, but excluding any vegetation clearance under subclause (2).
- (4) Vegetation clearance of indigenous vegetation that is incidental damage may occur in an area that is within or adjacent to any plantation forest, including a riparian zone.
- (5) In this regulation, **incidental damage** means—
- (a) damage where the ecosystem will recover to a state where it will be predominantly indigenous vegetation species common to the ecological district within 36 months of the occurrence of the damage; or
 - (b) damage to indigenous vegetation canopy trees that are greater than 15 m in height, where the damage does not exceed—
 - (i) 30% of the crown of any indigenous vegetation canopy trees and no more than 30% of those trees per 100 m of the indigenous vegetation perimeter length; or
 - (ii) 10 m in continuous length per 100 m of a riparian zone length (with the applicable riparian zone width); or

- (c) if it occurs adjacent to a significant natural area, damage that does not significantly affect the values of that significant natural area.

94 Restricted discretionary activity: territorial authority

- (1) The vegetation clearance of indigenous vegetation is a restricted discretionary activity if regulation 93(2), (3), or (4) is not complied with.

Matters to which discretion is restricted

- (2) Discretion is restricted to—
 - (a) the location of the activity;
 - (b) the ecological effects due to—
 - (i) the ecological significance of the indigenous vegetation; or
 - (ii) the location and extent of indigenous vegetation removal; or
 - (iii) the functioning of remaining indigenous vegetation, including edge effects and retention of corridors;
 - (c) the mitigation measures proposed;
 - (d) alternatives to clearance and disturbance of indigenous vegetation;
 - (e) the information and monitoring requirements.

Non-indigenous vegetation clearance

95 Permitted activity

Territorial authority and regional council

- (1) Vegetation clearance of non-indigenous vegetation associated with a plantation forestry activity is a permitted activity if all permitted activity conditions are met for the associated plantation forestry activity.

General: activity status, matters of control or discretion, and local authority

- (2) If vegetation clearance of non-indigenous vegetation does not comply with subclause (1), it has the activity status that applies to the associated plantation forestry activity.
- (3) The matters of control or discretion are those that apply to the associated plantation forestry activity, and consent is required from the local authority that has functions in relation to the associated plantation forestry activity.

Subpart 10—General provisions

96 Functions for this subpart

The functions of regional councils and territorial authorities under sections 30 and 31 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulations 100 to 103	Territorial authority and regional council
Regulations 98 and 99	Territorial authority
Regulations 97, 104, and 105	Regional council

*Discharges, disturbances, and diversions***97 Permitted activity: regional council**

- (1) Any discharge of sediment into water or to land in circumstances that may result in it entering water, disturbance of the bed or vegetation in the bed of a river or lake, or diversion of water associated with a plantation forestry activity is a permitted activity if subclauses (3) and (4) are complied with and—
 - (a) pruning and thinning to waste complies with regulations 19(2) and 20:
 - (b) earthworks comply with regulations 24 to 33:
 - (c) river crossings comply with regulations 37 to 46:
 - (d) forestry quarrying complies with regulations 51(2), 52, 54(3) and (4), 55, 56, 58, and 59:
 - (e) harvesting complies with regulations 63(2) and (3), 64, and 65 to 69:
 - (f) mechanical land preparation complies with regulations 73(2) and 74:
 - (g) slash traps comply with regulations 83(2) and 84 to 91.
- (2) Disturbance of a wetland (including vegetation or soil disturbance) associated with a plantation forestry activity is a permitted activity if subclause (5) is complied with and—
 - (a) the wetland is greater than 100 m² and less than 0.25 ha; or
 - (b) the wetland is greater than 100 m² and the associated plantation forestry activity is harvesting.

Permitted activity conditions: fish spawning

- (3) Disturbance of the bed or vegetation in the bed of a perennial river or lake must not occur unless subclause (4)(a) or (b) applies.
- (4) Disturbance of the bed or vegetation in the bed of a perennial river or lake may occur if—
 - (a) the electronic tool referred to in item 9 of Schedule 2 (*Fish Spawning Indicator*) indicates—

- (i) no presence of a fish species listed in Group A or Group B in the Fish Spawning Indicator in the segment of the river or lake marked in the Fish Spawning Indicator where the bed or vegetation in the bed would be disturbed; or
 - (ii) the presence of a fish species listed in Group A or Group B in the Fish Spawning Indicator in the segment of the river or lake marked in the Fish Spawning Indicator where the bed or vegetation in the bed would be disturbed, but disturbance is not during the relevant fish spawning period; or
 - (b) for the segment of the river or lake marked in the Fish Spawning Indicator where the bed or vegetation in the bed would be disturbed, a suitably competent person has—
 - (i) confirmed that the species observed do not spawn in the river or lake habitat where the disturbance will occur; or
 - (ii) in the case of a river, undertaken a freshwater fish survey in accordance with the document referred to in item 10 of Schedule 2 (*New Zealand Freshwater Fish Sampling Protocols*) and has observed no presence of any of the species listed in Group A or Group B in the Fish Spawning Indicator; or
 - (iii) in the case of a lake, undertaken a freshwater fish survey in accordance with the techniques in item 13 of Schedule 2 (*Introduction to monitoring freshwater fish*) and has observed no presence of any of the species listed in Group A or Group B of the Fish Spawning Indicator.
- (5) Disturbance of a wetland described in subclause (2) may occur only if—
- (a) the electronic tool referred to in item 9 of Schedule 2 (*Fish Spawning Indicator*) indicates—
 - (i) no presence of a mudfish species listed in Group B in the wetland marked in the Fish Spawning Indicator where the wetland would be disturbed; or
 - (ii) the presence of a mudfish species listed in Group B in the Fish Spawning Indicator in the wetland marked in the Fish Spawning Indicator where the wetland would be disturbed, but it is not during the relevant mudfish spawning period; or
 - (b) for a wetland marked in the Fish Spawning Indicator where the disturbance would occur, a suitably competent person has—
 - (i) confirmed that the species observed do not spawn in the wetland habitat where disturbance will occur; or
 - (ii) undertaken a freshwater fish survey in accordance with the document referred to in item 14 of Schedule 2 (*A revised methodology to survey and monitor New Zealand mudfish*) and has observed no

presence of a mudfish species listed in Group B in the Fish Spawning Indicator.

- (6) In this regulation,—
- disturbance of the bed or vegetation in the bed of a perennial river** does not include—
- (a) vehicles using a ford to cross the wetted river bed at a rate of up to 20 axle movements per day;
 - (b) hauling logs over the bed of a river less than 3 m wide where butt suspension is achieved in the segment of the river marked in the Fish Spawning Indicator, in the relevant spawning period shown in the fish spawning indicator, unless any species listed in Group B in the Fish Spawning Indicator is present;
 - (c) clearing a slash trap

suitably competent person means a person who—

- (a) has at least 2 years' experience in use of the document referred to in item 10 of Schedule 2 (*New Zealand Freshwater Fish Sampling Protocols*), or in the techniques in the document referred to in item 13 of Schedule 2 (*Introduction to monitoring freshwater fish*), and has completed a specialist course in the identification of New Zealand freshwater fish; or
- (b) has more than 10 years' experience in use of the fish sampling techniques listed in the relevant document and in the identification of New Zealand freshwater fish.

General: activity status

- (7) A discharge of sediment into water or onto land in circumstances that may result in it entering water, disturbance of a bed or vegetation in the bed of a river or lake, or diversion of water, associated with a plantation forestry activity that does not comply with subclause (1)(a) to (g), has the same activity status that applies if the conditions of the associated plantation forestry activity are not complied with.
- (8) Disturbance of the bed or vegetation in the bed of a perennial river or lake associated with a plantation forestry activity is a discretionary activity if it does not comply with subclauses (3) and (4).
- (9) Disturbance of a wetland associated with a plantation forestry activity and described in subclause (2) is a discretionary activity if it does not comply with subclause (5).

Noise and vibration

98 Permitted activity: territorial authority

- (1) Noise and vibration associated with a plantation forestry activity is a permitted activity if it complies with subclauses (2) to (4).

Permitted activity conditions

- (2) Noise associated with a plantation forestry activity must not exceed the following noise limits at any point within the notional boundary of any occupied building containing a noise-sensitive activity, except in the case of an occupied building located in the plantation forest or on an adjacent property under the same ownership or management as that of the plantation forest:
- (a) Monday to Saturday, daytime—75 dB LAeq (15 min) between 7 am and 7 pm, at any assessment point where forestry noise is received for 20 weeks or less in a year:
 - (b) Monday to Saturday, daytime—70 dB LAeq (15 min) between 7 am and 7 pm, at any assessment point where forestry noise is received for more than 20 weeks in a year:
 - (c) Sunday daytime—45 dB LAeq (15 min) between 7 am and 7 pm:
 - (d) night time—45 dB LAeq (15 min) between 7 pm and the following 7 am:
 - (e) night time—75 dB LAFmax between 7 pm and the following 7 am:
 - (f) 120 dB LZpeak for any blasting.
- (3) Vibration associated with a plantation forestry activity must not exceed the guideline values in Tables 1 and 3 of DIN 4150 inside any building, except in the case of a building located in the plantation forest or on an adjacent property under the same ownership or management as that of the plantation forest.
- (4) Blasting may be conducted only between 7 am and 7 pm on Monday to Saturday.

How noise measured and assessed

- (5) Noise must be measured in accordance with NZS 6801 and assessed in accordance with NZS 6802.
- (6) Vibration must be measured and assessed in accordance with ISO 4866.
- (7) In this regulation and in regulation 99,—

DIN 4150 means the document referred to in item 11 of Schedule 2 (*DIN 4150-3:1999-02 Structural vibration – Part 3: Effects of vibration on structures*)

ISO 4866 means the document referred to in item 12 of Schedule 2 (*ISO 4866:2010 Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures*)

LAeq has the same meaning as in NZS 6801

LAFmax has the same meaning as in NZS 6801

LZpeak has the same meaning as in NZS 6801

noise and vibration—

- (a) includes noise and vibration from forestry machinery, equipment, and vehicles undertaking activities to which these regulations apply; but
- (b) does not include—
 - (i) noise and vibration from forestry vehicles on public roads; or
 - (ii) vibration affecting heritage buildings or structures

noise-sensitive activity—

- (a) means any—
 - (i) residential activity, including activity in visitor accommodation or retirement accommodation;
 - (ii) educational activity;
 - (iii) health care activity;
 - (iv) congregation within any place of worship;
 - (v) activity at a marae; but
- (b) does not include an activity if it was not lawfully established

notional boundary means—

- (a) a line 20 m from any side of a building; or
- (b) the legal boundary, where it is closer to the building

NZS 6801 means the document referred to in item 6 of Schedule 2 (*NZS 6801: 2008 Acoustics – Measurement of environmental sound*)

NZS 6802 means the document referred to in item 7 of Schedule 2 (*NZS 6802:2008 Acoustics – Environmental noise*)

occupied building means a building that is regularly occupied by 1 or more people.

99 Restricted discretionary activity: territorial authority

- (1) Noise and vibration associated with a plantation forestry activity is a restricted discretionary activity if it does not comply with regulation 98(2) to (4).

Matters to which discretion is restricted

- (2) Discretion is restricted to—
 - (a) the timing, duration, and location of noise or vibration-generating activities;
 - (b) the effects on noise-sensitive activities;
 - (c) measures to avoid, remedy, or mitigate the adverse noise and vibration effects;
 - (d) the information and monitoring requirements.

*Dust***100 Permitted activity***Territorial authority and regional council*

- (1) The discharge of dust to air associated with a plantation forestry activity is a permitted activity if subclause (2) is complied with.

Permitted activity condition

- (2) There must be no airborne or deposited dust beyond the boundary of the property from which the dust is sourced that is noxious, dangerous, objectionable, or offensive.
- (3) In subclause (2), **boundary of the property** includes the legal boundary of property on which the plantation forestry activity occurs and any other properties adjoining that property under the same ownership or management.

101 Restricted discretionary activity*Territorial authority and regional council*

- (1) The discharge of dust to air associated with a plantation forestry activity is a restricted discretionary activity if it does not comply with regulation 100(2).

Matters to which discretion is restricted

- (2) Discretion is restricted to—
- (a) the timing, duration, and location of dust-generating activities;
 - (b) measures to avoid, remedy, or mitigate the adverse effects of dust;
 - (c) the information and monitoring requirements.

*Indigenous bird nesting***102 Permitted activity***Territorial authority and regional council*

- (1) A plantation forestry activity occurring where nesting of the following indigenous bird species occurs must comply with the procedures required by subclause (2):
- (a) any indigenous bird species with a classification of Nationally Critical, Nationally Endangered, or Nationally Vulnerable in the document referred to in item 8 of Schedule 2 (*Conservation status of New Zealand birds*); and
 - (b) any of the following bird species as described in the document referred to in item 8 of Schedule 2 (*Conservation status of New Zealand birds*):
 - (i) *Apteryx mantelli*, common name: North Island brown kiwi;
 - (ii) *Falco novaeseelandiae novaeseelandiae*, common name: Eastern falcon;

- (iii) *Falco novaeseelandiae ferox*, common name: Bush falcon;
- (iv) *Gallirallus australis greyi*, common name: North Island weka.

Permitted activity condition

- (2) Procedures must be in place and followed to—
 - (a) confirm and recognise the presence of indigenous bird species identified in subclause (1); and
 - (b) on confirmation of presence, identify affected nest sites; and
 - (c) provide relevant staff with training on recognising the presence of indigenous bird species if encountered during the plantation forestry activity; and
 - (d) avoid or mitigate adverse effects on affected nest sites and indigenous bird species.

103 Restricted discretionary activity

Territorial authority and regional council

- (1) A plantation forestry activity is a restricted discretionary activity if regulation 102 is not complied with.

Matters to which discretion is restricted

- (2) Discretion is restricted to—
 - (a) the effects on indigenous birds and measures to mitigate those effects;
 - (b) the information and monitoring requirements.

Fuel storage and refuelling

104 Permitted activity: regional council

- (1) Fuel storage, refuelling, and oil changing associated with a plantation forestry activity are permitted activities if subclauses (2) and (3) are complied with.

Permitted activity conditions

- (2) Fuel must not be stored, machinery must not be refuelled, and oil must not be changed in any location where fuel can enter water, including—
 - (a) within 10 m of—
 - (i) a perennial river; or
 - (ii) wetlands; or
 - (iii) lakes; or
 - (iv) an outstanding freshwater body; or
 - (v) a water body subject to a water conservation order; or
 - (b) within 30 m of the coastal marine area; or
 - (c) on, over, or in the bed of a water body or the coastal marine area; or

- (d) within a water body or coastal water.
- (3) Fuel must not be discharged into water, or onto or into the bed of a water body, or onto or into land in circumstances that may result in the fuel entering water.

105 Restricted discretionary activity: regional council

- (1) Fuel storage, refuelling, and oil changing associated with a plantation forestry activity is a restricted discretionary activity if it does not comply with regulation 104(2) or (3).

Matters to which discretion is restricted

- (2) Discretion is restricted to—
 - (a) the timing, location, and duration of the activity;
 - (b) the effects on ecosystems, fresh water, and the coastal environment;
 - (c) management and containment;
 - (d) the spill response procedure;
 - (e) the location of fuel storage, refuelling, and oil changing;
 - (f) the information and monitoring requirements.

Part 3

Local authority charges for monitoring permitted activities

106 Local authorities may charge for monitoring permitted activities

A local authority responsible for monitoring any of the following permitted activities may charge for its monitoring of those activities:

- (a) regulation 24 (earthworks);
- (b) regulation 37 (river crossings);
- (c) regulation 51 (forestry quarrying);
- (d) regulation 63(2) (harvesting).

Schedule 1

Transitional, savings, and related provisions

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Part 1

Provisions relating to these regulations as made

There are no transitional, savings, or related provisions relating to these regulations as made.

Schedule 2

References for material incorporated by reference

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Name of document or electronic tool	URL
1 Erosion Susceptibility Classification	http://www.mpi.govt.nz/growing-and-producing/forestry/overview/national-environmental-standards-for-plantation-forestry/erosion-susceptibility-classification/
2 Guidelines for the use of the Decision Support System “Calculating Wilding Spread Risk From New Plantings”, (Scion, 2015) Scion publication number S0019, T.S.H. Paul	http://www.mpi.govt.nz/growing-and-producing/forestry/overview/national-environmental-standards-for-plantation-forestry/wilding-tree-risk-calculator/
3 Pearson and McKerchar, Flood Estimation - A Revised Design Procedure, Transactions, Vol 16, No2/CE, November 1989	
4 Technical Memorandum 61, A Method of Estimating Design Peak Discharge, MWD, 1980	
5 “Estimation of Mean Annual Flood in New Zealand”, George A. Griffiths and Alastair I. McKerchar, NIWA, Journal of Hydrology (NZ) 51 (2):111-120 2012	
6 NZS 6801: 2008 Acoustics – Measurement of environmental sound	
7 NZS 6802:2008 Acoustics – Environmental noise	
8 Conservation status of New Zealand birds, 2016. New Zealand Threat Classification Series 19. Department of Conservation, Wellington. P 23. Robertson, H.A.; Baird, K.; Dowding, J.E.; Elliott, G.P.; Hitchmough, R.A.; Miskelly, C.M.; McArthur, N.; O’Donnell, C.F.J.; Sagar, P.M.; Scofield, R.P.; Taylor, G.A. 2017	http://www.mpi.govt.nz/document-vault/18845
9 Fish Spawning Indicator	http://www.mpi.govt.nz/growing-and-producing/forestry/overview/national-environmental-standards-for-plantation-forestry/fish-spawning-indicator/
10 New Zealand Freshwater Fish Sampling Protocols (Joy, David & Lake, 2013)	https://www.niwa.co.nz/static/web/New_Zealand_Freshwater_Fish_Sampling_Protocols.pdf

	Name of document or electronic tool	URL
11	DIN 4150-3:1999-02 Structural vibration – Part 3: Effects of vibration on structures	
12	ISO 4866:2010 Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures	
13	Introduction to monitoring freshwater fish. Version 1.1. Grainger, N.; Goodman, J.; and West, D. Department of Conservation 2013	http://www.doc.govt.nz/Documents/science-and-technical/inventory-monitoring/im-toolbox-freshwater-fish/im-toolbox-freshwater-fish-introduction-to-monitoring-freshwater-fish.pdf
14	A revised methodology to survey and monitor New Zealand mudfish. Ling, N.; O'Brien, L.K.; Miller, R.; Lake, M. 2013: Department of Conservation, Wellington (unpublished)	http://www.doc.govt.nz/Documents/science-and-technical/inventory-monitoring/im-toolbox-freshwater-fish/im-toolbox-freshwater-fish-a-revised-methodology-to-survey-and-monitor-new-zealand-mudfish.pdf

Schedule 3

Forestry earthworks management plan and harvest plan specifications

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A forestry earthworks management plan must include the information set out in clauses 1, 2, 3, 4, and 6.

A harvest plan must include the information set out in clauses 1, 2, 3, 5, and 6.

A combined forestry earthworks management plan and harvest plan must include all the information set out in this schedule.

1 Person and property details

The person and property details are—

- (a) the plan date:
- (b) the name of and contact details for the land owner or their agent:
- (c) the name of and contact details for the forest owner (if different):
- (d) the name of and contact details for the harvest and earthworks managers (if different):
- (e) the contact details for service—postal address, email, contact phone(s):
- (f) the region and district in which the forest is located:

- (g) the name of the road used for forest access and rural number of entry point:
- (h) the forest name or property location identifier:
- (i) the cadastral and map references, or GIS polygon reference.

2 Map

The plan must include a map or maps that include and show—

- (a) a scale not less than 1:10 000:
- (b) the computer freehold register, the date, and a north arrow:
- (c) the harvest area boundary:
- (d) the external property boundaries within 200 m of the harvest and earth-works area:
- (e) the contour lines at less than or equal to 20 m intervals:
- (f) the erosion susceptibility classification (NESPF overlay map):
- (g) the proposed harvesting method (hauler or ground-base, or other) and arrows showing extraction directions to the skid or landing:
- (h) the proposed forestry road locations, and landing or skid locations:
- (i) any on-site risk areas as identified under clause (3).

3 Water and on-site areas

Water on site

- (1) The plan must identify the location of and mark on a map—
 - (a) wetlands larger than 0.25 ha and lakes larger than 0.25 ha:
 - (b) rivers to their perennial extent:
 - (c) rivers where the bankfull channel width is 3 m or more:
 - (d) any outstanding freshwater body or water body subject to a water conservation order:
 - (e) the coastal marine area:
 - (f) any setbacks.

Downstream risks

- (2) The plan must,—
 - (a) for sites with a perennial river, identify the risks downstream of the operation, should slash or sediment be mobilised, to any—
 - (i) public roads and other infrastructure:
 - (ii) downstream properties and show the location of dwellings:
 - (iii) downstream river, lake, estuary or sea:

- (b) identify any registered drinking water supply, including drinking water sources for more than 25 people within 1 km downstream of the activity:

On-site risks

- (3) The plan must identify the location of and mark on a map any features that are to be protected during the operation, including significant natural areas.

Forestry infrastructure

- (4) The plan must identify the location of and mark on a map any—
 - (a) existing roads, tracks, landings, firebreaks, and river crossings;
 - (b) proposed new roads, tracks, landings, firebreaks, river crossings (permanent and temporary), and fuel storage and refuelling sites;
 - (c) proposed end-haul deposit sites;
 - (d) slash storage areas.

4 Forestry earthworks management plan

The plan must—

- (a) identify the area to which the plan applies;
- (b) describe the scope of work covered by the earthworks and whether it is for maintenance, upgrade, road widening, realignment, or new works;
- (c) indicate the anticipated construction time for forestry earthworks and stabilisation;
- (d) describe clearly the management practices that will be used to avoid, remedy, or mitigate risks due to forestry earthworks that have been identified on the map, including the proposed erosion and sediment control measures to be used and the situations in which they will be used, in sufficient detail to enable site audit of the management practices to be carried out;
- (e) include the following for earthworks management:
 - (i) water run-off control measures;
 - (ii) sediment control measures during construction and during harvest;
 - (iii) the method used to manage excess fill for large-scale cut and fill operations, and if end haul, the proposed disposal location;
 - (iv) methods used to stabilise batters, side cast, and cut and fill;
 - (v) post-harvest remedial work (timing and methods).

5 Harvest plan

The plan must include—

- (a) the harvesting method, whether ground-based or hauler, or any other method, and the hauler system type:

- (b) the planned timing, duration, intensity, and any proposed staging of the harvest:
- (c) the management practices that will be used to avoid, remedy, or mitigate risks due to forest harvesting on features identified under clause 3(3) and mapped, including the slash management and procedures for—
 - (i) avoiding instability of slash at landing sites:
 - (ii) keeping slash away from high-risk areas (no-slash zones):
 - (iii) slash management in the vicinity of waterways, including identifying any areas where it would be unsafe or impractical to retrieve slash from water bodies:
 - (iv) measures to ensure that slash is not mobilised in heavy rain events (5% AEP or greater) and contingency measures for such movement, including requirements for slash removal from streams and use of slash traps:
- (d) any operational restrictions to—
 - (i) minimise damage to indigenous vegetation:
 - (ii) avoid damage to downstream and adjacent infrastructure and properties.

6 Management practices for maintenance and monitoring

The plan must include—

- (a) the proposed routine maintenance and monitoring processes:
- (b) the proposed heavy rainfall contingency and response measures, including—
 - (i) specific triggers or thresholds for action; and
 - (ii) post-event monitoring and remedial works:
- (c) the post-harvest monitoring of residual risks, and the corrective action processes.

Schedule 4

Quarry erosion and sediment management plan specifications

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1 Person and property details

The person and property details are—

- (a) the plan date:
- (b) the name of and contact details for the land owner or their agent:
- (c) the name of and contact details for the forest owner (if different):
- (d) the name of and contact details for the quarry manager (if different):

- (e) the contact details for service—postal address, email, contact phone(s):
- (f) the region and district in which the quarry is located:
- (g) the name of the road used for quarry access and rural number of entry point:
- (h) the property location identifier and the legal title shown on the computer register:
- (i) the cadastral and map references, or GIS polygon reference.

2 Map

The plan must include a map that includes—

- (a) a 1:1 000–1:5 000 scale:
- (b) the title, the date, and a north arrow:
- (c) the external property legal boundaries:
- (d) the contour lines at less than or equal to 20 m intervals:
- (e) the erosion susceptibility classification (NESPF overlay map):
- (f) the proposed quarry layout:
- (g) any sight lines to dwellings on adjacent properties within 2 km of the quarry:
- (h) the boundaries of the plantation forest.

3 Water and on-site risk areas

The plan must identify the location of and mark on a map—

- (a) wetlands larger than 0.25 ha, and lakes larger than 0.25 ha:
- (b) rivers to their perennial extent, with arrows showing direction of flow:
- (c) any water table that the quarry may intercept:
- (d) the coastal marine area:
- (e) any setbacks.

4 Management practices

The plan must document the management practices that will be used to avoid, remedy, or mitigate risks due to quarrying that have been identified on the map, in sufficient detail to enable a site audit of the management practices to be carried out.

5 Further details

The plan must include details of—

- (a) the amount, timing, and duration of quarrying:
- (b) the erosion and sediment control measures to be used, including—
 - (i) methods used to maintain stability of any cut faces:

- (ii) methods used to manage overburden, including stability and erosion of exposed soil:
- (iii) methods used to manage sediment and stormwater:
- (iv) methods used to avoid effects on riparian margins and water bodies:
- (c) maintenance and monitoring procedures:
- (d) heavy rainfall response and contingency measures:
- (e) restoration of the quarry after quarrying ceases:
- (f) corrective action processes.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 May 2018, are made under the Resource Management Act 1991 (the **Act**) and prescribe national environmental standards for plantation forestry.

Purpose of regulations

Part 1 of the regulations provides for matters of interpretation, application of the regulations, provision for plan rules to be more stringent in some circumstances, and identifies material incorporated by reference in the regulations.

Part 2 of the regulations provides for 8 main plantation forestry activities to be permitted activities when carried out in accordance with specified conditions that require foresters to manage the adverse environmental effects of the activities. The regulated activities are—

- afforestation (*regulations 8 to 17*):
- pruning and thinning to waste (*regulations 18 to 21*):
- earthworks (*regulations 22 to 35*):
- river crossings (*regulations 36 to 49*):
- forestry quarrying (*regulations 50 to 61*):
- harvesting (*regulations 62 to 71*):
- mechanical land preparation (*regulations 72 to 75*):
- replanting (*regulations 76 to 81*).

The permitted activity conditions include—

- standards to avoid, remedy, or mitigate environmental effects:
- requirements for compliance with management plans for higher-risk activities:
- the use of tools for risk assessment regarding erosion, wilding trees, and fish spawning.

The risk assessment tools form part of the regulations. They enable a location specific assessment to be undertaken of the level of risk from plantation forestry activities in relation to erosion, wilding trees, and fish spawning. This allows the effects to be managed where risks are present.

Part 2 of the regulations also provides for ancillary activities in *subpart 9* for slash traps (*regulations 83 to 92*), indigenous vegetation clearance (*regulations 93 and 94*), and non-indigenous vegetation clearance (*regulation 95*) that occur when conducting the 8 main forestry activities. *Subpart 10 of Part 2* provides for general provisions, including requirements and conditions for discharges, disturbances and diversions, noise and vibration, dust, indigenous bird nesting, and fuel storage and refuelling (*regulations 96 to 105*).

Part 3 (regulation 106) of the regulations enables a local authority to charge for monitoring permitted activities. These charges may be fixed in accordance with section 36 of the Act.

Classification of activities and consent requirements

The regulations make certain forestry activities permitted, controlled, restricted discretionary, or discretionary under the Act. If an activity does not meet 1 or more of the relevant permitted activity terms and conditions, including those in the ancillary activities or general provisions, it will require resource consent under the Act.

The regulations incorporate the erosion susceptibility classification (ESC) to determine activity status. The ESC classifies land into zones according to the erosion risk from plantation forestry activities. The zones are described in the following table:

Erosion susceptibility classification zones	Risk
Green zone	Low
Yellow zone	Moderate
Orange zone	High
Red zone	Very high

Application of regulations and their relationship to local plan rules (including stringency)

Regulation 5 provides that the regulations apply to the plantation forestry activities specified in the regulations. Activities to which the regulations do not apply will continue to be addressed in regional and district plans.

The regulations will generally prevail over regional and district plan rules that apply to plantation forestry activities. The regulations will generally take precedence over relevant rules for plantation forestry because plan rules may not be more lenient than

a national environmental standard. More lenient means that a rule permits or authorises an activity that the standard prohibits or restricts.

A plan rule cannot be more stringent than a national environmental standard unless the standard expressly provides for this. A plan rule is more stringent if it prohibits or restricts what the standard permits or authorises. The regulations allow plan rules to be more stringent in certain circumstances specified in *regulation 6*, where they give effect to certain national instruments, recognise and provide for certain matters of national importance under the Act, or manage specific unique and sensitive environments.

There are also certain activities and effects that are excluded from the regulations where regional and district plan rules continue to apply. Where a national environment standard states that an activity is permitted, a plan may specify terms and conditions to deal with effects of that activity that are different from the effects dealt with in the standard. For example, the effects on cultural and historic heritage and the effects from logging truck movements are excluded from the regulations, which allows plan rules to continue to manage effects on them.

Regulatory impact statements

The Ministry for Primary Industries produced regulatory impact statements dated June 2016 and July 2017 to help inform the decisions taken by the Government relating to the contents of this instrument.

Copies of these regulatory impact statements can be found at—

- <https://www.mpi.govt.nz/document-vault/19007>
- <https://www.mpi.govt.nz/document-vault/19010>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

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These regulations are administered by the Ministry for Primary Industries.